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PRIMITIVE PATERNITY

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PRIMITIVE PATERNITY

THE MYTH OF SUPERNATURAL BIRTH IN RELATION TO THE HISTORY OF THE FAMILY

BY

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VOLUME II

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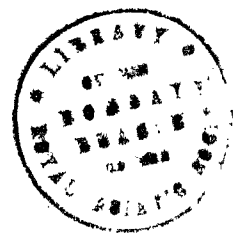

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CHAPTER V

RISE OF FATHERRIGHT

The stages through which conjugal relations have passed are not uniform but dependent on environment and other influences. The stages to be reviewed therefore are not necessarily consecutive. Frailty of the conjugal bond. The entertainment of temporary husbands at the wife's home. Relations beginning with secret visits by the lover tend to become open and permanent. Cupid and Psyche. Secret relations between husband and wife. Open visits by husband. Polygamous visiting husbands. Marriages in which the husband goes to reside permanently with his wife. Commutation of the husband's permanent residence in his wife's family. Husband's probation as a relic of an earlier custom of visiting. Effect of payment of bride-price. Husband's permanent residence in his wife's family: its tendency to patrilineal reckoning. Evolution of fatherright among various peoples of the Old and New Worlds. Summary: general course of the evolution of conjugal relations, and reasons for the inevitable decay and supersession of motherright. The reckoning of kinship through the father is not founded on blood, but is a social convention.

Our general consideration of the social organisation implied by motherright has disclosed that the children are not recognised as belonging to the kin of the father, that their position in the community into which they are born does not depend upon him, consequently that he has little control over them and takes little

interest in them, that the authority over them is vested in the head of the mother's kin at large or (where the true family has begun to emerge) in the head of the mother's family—usually the eldest male, her brother or uncle,—and finally that the chasm between the father and husband on the one side and the wife and her kin on the other is so wide that he is liable to them in the blood-feud, in which even his children join against him and inflict the extreme reprisal of death or receive a share of the compensation paid in its place. As the rights and position of the father are gradually strengthened inroads are made on this social organisation, so that all its characteristics are now seldom found in full force even where descent is still reckoned in the maternal line. The customs adduced from various parts of the world are however sufficient to show what was originally involved in the organisation. An exhaustive examination of the social condition of peoples in the lower culture, had that been possible within the limits of this essay, would have exhibited it still more clearly without diverging it is believed in any essential respect from the lines thus laid down.

We next proceed to examine some of the stages by which fatherright has become dominant over a large portion of the earth. The way for this inquiry has been prepared by a consideration of the cause formerly and sometimes even yet alleged for the reckoning of descent through the mother only, namely, the greater certainty. I have proved that this is not the cause. It is in fact a crude attempt by persons accustomed to a very different social condition to solve the unexpected and in their view wholly exceptional problem of motherright. So far from being exceptional, mother-

right however is probably the earliest mode of reckoning kin by descent. It may be said without fear of contradiction that while no case is known where matrilineal reckoning betrays evidence of having been preceded by paternal descent, the converse has been observed in every part of the world. Cases may exist of tribes reckoning descent through the father in which no trace remains of reckoning through the mother. The mere existence of such cases is wholly insufficient to disprove a prior stage of motherright, or even to shift the burden of proof. We may admit that where the man takes a wife from among her own kin and brings her to reside with his, the local community which results is in effect a patrilineal kin, if the children continue with the parents. This custom, where it has obtained, has doubtless been one of the causes contributing to the rise of fatherright. But it is by no means universal; that it is primitive has never been shown; and it is usually found qualified with customs and institutions logically inconsistent with fatherright. Nor is it sufficient of itself to displace the reckoning of kinship through the mother. In fact, it is found so frequently combined with matrilineal reckoning that even anthropologists who reject the prior claims of paternal descent have often assumed it to be the original form of society and have been greatly embarrassed thereby in their attempts to account for motherright.

A brief consideration of some of the stages through which the relations of the sexes have passed will, it is hoped, throw light on the derivation of patrilineal reckoning. Our inquiry will be limited to those more or less permanent relations recognised by law or custom and entailing rights and duties, however feeble

and limited, upon the parties entering into them. The stages we shall review are not necessarily successive, still less immediately consecutive. Anthropological knowledge does not warrant our laying down any uniform succession of stages through which conjugal relations must have passed. On the contrary the varying environment of humanity has dictated different modes of life according to the kind of food, its plentifulness and the dangers and difficulties attending its collection, the enemies human and non-human to be subdued or at all events avoided, and the general conditions of climate, soil, land and water. Each of these different modes of life has necessitated the adaptation of conjugal relations, not merely for the satisfaction of physical impulses, but for the gratification of the desire for human companionship and for the preservation of the species. Moreover, these modes of life once formed are not unchangeable. They are modified from time to time by the degree of material civilisation attained, by contact with surrounding peoples and by other influences; and the modifications have entailed further adaptation of the relations between the sexes.

Among most nations in the lower culture the severance of the matrimonial bond is no difficult matter —at all events on the side of the man, and frequently also on that of the woman. The will of the individual parties to the bond is often the only factor in the case. Where this is not so, where the birth of children strengthens the connection of husband and wife, or where the kindred on either side claim an interest in its continuance, even there separation is usually a mere matter of negotiation and arrangement. In

comparatively few cases is anything like judicial interference invoked, such as we are accustomed to associate with the term Divorce. The Semitic nations are notorious for the frailty of the conjugal relation, though probably they have not been laxer than many others. Their ancient civilisations and ancient barbarism alike have preserved evidence which goes to show in the words of a recent writer "that the primitive Semitic marriage-tie was an evanescent bond."[1] The legislation in the book of Deuteronomy and that of the Arabian prophet were framed under patriarchal influence. Consequently they witness and perpetuate the power of the husband to put away his wife on the smallest pretext, or without any pretext at all, but they have not taken equal care of the wife's rights. Enough, however, remains in old Arab literature and modern customs, and even in the pages of the Old Testament itself, to render it probable that originally these rights were correlative to those of the husband.

The late Professor Robertson Smith collected a number of instances proving that the primitive Arabs were matrilineal, and that a husband was little if anything more than a temporary lover who could be dismissed, or could depart, at pleasure. We may cite two of these instances. "Ibn Batuta in the fourteenth century of our era found that the women of Zebîd were perfectly ready to marry strangers. The husband might depart when he pleased, but his wife in that case could never be induced to follow him. She bade him a friendly adieu and took upon herself the whole charge of any child of the marriage." He goes on to

[1] Barton, 45.

quote from another author: "The women in the Jâhilîya, or some of them, had the right to dismiss their husbands, and the form of dismissal was this. If they lived in a tent they turned it round, so that if the door faced east it now faced west, and when the man saw this he knew that he was dismissed and did not enter." ("The tent, therefore," he comments, "belonged to the woman, the husband was received in her tent and at her good pleasure.") And he points out that this agrees with the account given by Ammianus Marcellinus of Saracen marriages. "According to Ammianus, marriage is a temporary contract for which the wife receives a price. After the fixed term she can depart if she so chooses, and 'to give the union an appearance of marriage the wife offers her spouse a spear and a tent by way of dowry.'" Here it is probable, as Robertson Smith supposes, that what is meant is that the husband occupies the wife's tent and is liable to serve in war with her people, so long as he remains with her. At the end of the term, whether he depart or she dismiss him, he leaves behind the spear and tent, just as the Roman *dos* returned to the wife upon divorce.[1] This kind of union for a term is said to have been recognised by Mohammed, though it is irregular by Moslem law. It was apparently intended to give security to the husband, who usually made a gift to the wife as the price of consent. It was a purely personal contract between him and her, without any intervention by the kin on either side; and it seems to have grown out of an earlier stage in which the woman, dwelling amid her own people, received and dismissed her lovers at pleasure. Even to-day a

[1] Robertson Smith, *Kinship*, 64 *sqq.*

Shiite sectary going on pilgrimage to Mecca frequently contracts one of these temporary marriages either for a certain number of days or for the duration of the visit. At the end of the time all relations between him and his temporary wife cease, both parties resuming their liberty. A child born of such a connection is regarded as a blessing for his family; "he will be venerated as a saint, for he has been begotten in the land of the Imâms."[1]

Sometimes the husband, instead of residing with the wife during the marriage, is a mere visitor who comes and goes from time to time. Passages cited by Robertson Smith from Arab literature appear to show that this arrangement also was not very uncommon among the Arabs. The marriage of Samson at Timnah, which had such tragic consequences for his wife and her father, is also an example. It was obviously not intended that she should follow him, but that she should remain with her own kindred and he should visit her there. When he goes away in a rage, having cause to complain of her treachery, she comforts herself with another man, perhaps under the impression that he has deserted her for good, but in any case in the exercise of a woman's rights in that stage of nuptial evolution. The husband's visits in a marriage of the kind I am referring to are sometimes open, sometimes secret. In either case they are well understood; and the secrecy, when they are secret, becomes more and more nominal. In some cases it continues until the birth of a child, or for a definite period. Where a lasting tie is formed the relation tends to become open and avowed, and the husband is found

[1] *Anthropos*, ii. 418; iii. 186.

as a permanent, privileged guest. Ultimately, among some peoples he succeeds to the headship of the household; more often he is allowed to remove his wife and children to his own dwelling.

Before proceeding to illustrate this process it may be observed that the story of Cupid and Psyche is founded on the custom by which a husband visits his wife only in secret and by night. Breach of the taboo results in separation and a series of adventures ending in the open and permanent union of the lovers. Variants of the story are found all over the eastern continent and are not unknown on the western. I do not propose to examine them now. I only wish to refer to them in general terms as evidence of the wide extension of the custom of secret relations between husband and wife. For though tales may travel very far from their place of origin, they are unlikely to obtain any great popularity—still less to root themselves in the form of sagas, as many of these stories have done, among widely sundered peoples—unless they are in some measure consonant with custom and therefore capable of being understood in their essential details.

I have already mentioned the matrimonial arrangements of the Nâyars of South Malabar. Among other examples in the Indian Empire may be cited the Syntengs of the Jaintia Hills in Assam. The Synteng husband visits his wife at her mother's house. "In Jowai," says Major Gurdon, "some people admitted to me that the husband came to his mother-in-law's house only after dark, and that he did not eat, smoke, or even partake of betel-nut there, the idea being that because none of his earnings go to support this house,

therefore it is not etiquette for him to partake of food or other refreshment there. If a Synteng house is visited, it is unusual to find the husbands of any of the married daughters there, although the sons of the family may be seen in the house when they have returned from work." Elsewhere the same writer says that both among the Syntengs and their neighbours the Khasis, whose marital relations we shall consider directly, there is "no gainsaying the fact that the husband, at least in theory, is a stranger in his wife's home, and it is certain that he can take no part in the rites and ceremonies of his wife's family, and that his ashes after death can find no place within the wife's family tomb, except in certain cases among the Syntengs." The exception is thus stated: "Amongst the Syntengs occasionally a widow is allowed to keep her husband's bones after his death, on condition that she does not remarry; the idea being that as long as the bones remain in the widow's keeping the spirit of her husband is still with her. On this account many wives who revere their husband's memories, and who do not contemplate remarriage, purposely keep the bones for a long time. If a widow marries, even after the customary taboo period of one year, whilst her husband's bones are still in her keeping, she is generally looked down upon. Her children in such a case perform the ceremony of handing over the bones of their father to his clan in a building specially erected for the purpose. The widow cannot enter therein, or even go near it, whilst the ceremony is proceeding, no matter whether the *jing sang*, or the price for removing the taboo after the husband's death, has been paid

to the husband's clan or not." It is plain that the retention by the widow of her husband's bones is quite exceptional; and unless she be an old woman it is probably of a very short duration. The husband is usually buried with his own clan, and his wife with hers. With the Khasis however the marriage-bond is, externally at least, of a stronger character. Among them the husband not merely visits, he goes to live with his wife in her mother's house. All the wife's earnings go to her mother, who expends them for the maintenance of the family. "After one or two children are born, and if a married couple get on well together, the husband frequently removes his wife and family to a house of his own; and from the time the wife leaves her mother's house she and her husband pool their earnings, which are expended for the support of the family."[1]

If we compare the customs of the Syntengs and Khasis with those of the Menangkabau Malays of the Padang Highlands of Sumatra mentioned in the last chapter, it will be clear that we have here an example of the evolution of conjugal relations as a first stage in the evolution of kinship. Like the Syntengs and the Khasis the Menangkabau Malays reckon descent through the mother. The *suku*, or clan, is continued only through her; and marriage within the clan is forbidden. As Wilken says, "a necessary consequence of this is that the woman at marriage remains in the settlement occupied by her own clan. In fact she never forsakes the house in which she was born and has grown up. But the husband on his side also remains with his own clan in its settlement; no more

[1] Gurdon, 76, 82.

than his wife does he forsake his birthplace. Marriage thus results in no dwelling together of the married pair. Married life reveals itself merely in the form of visits which the husband pays to his wife. He comes, that is to say, by day, helps her in her work in the rice-fields and takes his midday meal with her. This at least is the way it begins. Later the visits are more seldom paid by day; the man comes privately in the evening to his wife's house, and stays there if he be a faithful husband until the following morning." This is parallel to the case of the Synteng husband; but it is instructive to find that the kindred populations lower down the Indragiri valley, who have come more into contact with the outside world have more and more modified these strictly matrilineal customs. Thus among the inhabitants of Tiga Loeroeng, though the organisation of the *suku* is preserved, the husband almost universally goes to live with his wife. He either enters her house or builds a separate dwelling for her and himself in the settlement of her *suku*. This is the first step towards fatherright. As yet, however, the father has little authority over his children, who still look to their mother's brother. They inherit a part of any property their father may leave at his death, in common with his sister's children, and are liable for half his debts. In case of separation between husband and wife the children follow the mother. Still lower down the valley the ties of motherright are further loosened. Exogamy is not insisted on. When a marriage takes place between members of the different *sukus* the question where the married pair are to reside depends on the relative strength numbers and consideration of their respective

sukus. If the husband's be the stronger he builds the home in the *kampong*, or settlement, of his *suku* and takes his bride thither. The children then belong to the *suku* in which they are born and brought up, and the mother's brothers have no rights over them. Yet in case of separation the mother takes the children back with her and they lose all rights in their father's *suku*.[1]

In Formosa, according to old Dutch accounts, the "laws of wedlock were most curious, a married man not residing permanently with his wife until he was fifty years old, and it was a great disgrace should a woman give birth to a child before her thirty-seventh year." The more recent and exact information of a Japanese official who has made a study of the natives and is said to be the foremost authority upon them may perhaps explain these peculiarities. According to this gentleman the Tsalisen about Mount Kurayao in the high central range of the island effect their marriages thus. "The consent of the parents on both sides must be obtained, and the preliminary arrangements must be placed in the care of a middle-man. After matters have been definitely arranged a month is allowed to intervene, and on an appointed day the suitor visits the house of his intended and a simple ceremony sanctions the right of the couple to come together. The woman remains at the home of her mother until a child is born, when she removes to the house of her husband, and the marriage is then

[1] Wilken, *Verwantschap*, 678; *Bijdragen*, xxxix. 43. The Sakais of the banks of the Mandau and Rokan Kiri in Sumatra have an organisation and customs similar to those of Tiga Loeroeng (*Zeits. vergl. Rechtsw.* xxi. 322).

considered to have been effected. Should she be without issue, however, her suitor ceases to call, and all familiarity between the couple comes to an end. Both parties are now free to seek a mate elsewhere." Among the Paiwans of the hilly plains of the south "the young brave goes to the house of his beloved with fuel and water, which he places before the door. If the damsel puts them to the use for which they are intended, it signifies her acceptance. The young husband then takes up his residence among his wife's family for a few years, performing such duties as by custom falls to the men. He then removes his wife to his own house and holds there a festival to celebrate the event. The various relatives attend and offer presents of wine and betel-nuts." Among the Puyumas of the south-east, "if a woman favours the attention of a certain suitor and marriage is decided upon, the man transfers himself to the house and family of the wife. The obtaining of a husband is thus chiefly under the control of the woman and her family. It is the wife's family that is responsible for the young husband. The latter's family have renounced all further claim to him. As a son he partakes of what the house offers, but possesses no authority over the family, nor is the house or property his, until the death of his wife's parents, when as the husband of the sole owner he comes into certain rights which custom grants him." The Amis are neighbours of the Puyumas. Like them they have come under Chinese influence. But it has not sufficed to induce them to abandon their ancient marriage customs, which are similar to those of the Puyumas.[1] Thus

[1] Davidson, 15, 573, 575, 577, 579.

while in the other cases the sojourn of the husband in his wife's home is of a temporary character, leading to the removal of his wife and children to his own home, with the Puyumas and Amis he enters the wife's family permanently and eventually becomes its head.

In Japan it would seem that descent was originally matrilineal. The wife remained with her own relatives and the husband had only the right of visiting her by night. The word for *marriage* signified *to slip by night into the house.* It was only in the fourteenth century of our era that the husband's residence became the centre of family life and marriage became a regular dwelling together by the married pair. Even now when a man marries an only daughter he goes to live at her house and the children take her family name. There is moreover another type of marriage in which a man who has daughters but no son adopts a stranger and gives him one of his daughters in marriage. Children born of this union are considered as heirs of their maternal grandfather, and their father has a far from enviable position in the family.[1]

An interesting relic of marriage in which the husband visited his wife only in secret is found among the

[1] *L'Année Soc.* viii. 422, citing Kojiro Twasaky, *Das Japanische Erbrecht;* 410, citing F. Tsugaru, *Die Lehre von der Jap. Adoption.* See also *Ibid.* v. 343, citing T. Fukuda, *Die gesellsch. und wirtsch. Entwickelung in Japan.* "En effet, quand l'homme ne pouvait acheter sa femme ou la capturer, il n'avait pas le droit de l' emmener chez lui; il ne pouvait avoir de commerce avec elle que dans la maison de ses beaux-parents et les enfants, issus d'une telle union, appartenaient à la famille de la mère." If Morgan's information be correct the husband not merely of the only daughter, but of the eldest daughter goes to her father's house to reside and takes her family name (Morgan, *Syst. Consang.* 428).

wandering Tipperah, or as they call themselves Mrung, of Bengal. When a match is "made with the consent of the parents the young man has to serve three years in his father-in-law's house before he obtains his wife or is formally married. During the period of probation his sweetheart is to all intents and purposes a wife to him. On the wedding night, however, the bridegroom has to sleep with his wife surreptitiously, entering the house by stealth and leaving it before dawn. He then absents himself for four days, during which time he makes a round of visits among all his friends. On the fourth day he is escorted back with great ceremony, and has to give another feast to his *cortège*."[1]

The Yakuts at present reckon descent through the father; but there are indications in language in tradition and in existing customs of a more archaic stage. Among such indications is the rule that a bride is not given to her husband immediately after the marriage, even though the bride-price which is always exacted may have been paid. She is retained at home either under pretence of getting ready her outfit or of her youth and inexperience, formerly for four or five years, but now for somewhat less. Meanwhile the bridegroom visits her from time to time, bringing in his hand a substantial present to her parents. If the bride-price have been paid he is sometimes admitted to reside with her in her parents' home.[2] The Yakuts are polygamous; and a man who is obliged to make frequent journeys has a wife in every place.[3] The custom of the Aleutian islanders is to marry a girl from another village. After marriage the bride

[1] Risley, *Tribes*, ii. 325. [2] *J. A. I.* xxxi. 84, 80, 83.
[3] Potter, 138, quoting de Lesseps. *Cf. J. A. I.* xxxi. 94.

remains in her father's house for a certain time or until the birth of a child. The bridegroom is at liberty to visit her and to stay for days at a time, but not to remove her to his own village until the expiration of the customary period unless a child be born meanwhile.[1]

Among some of the Turcomans a married daughter is retained for a year in her parents' house. Meanwhile the husband can have only stolen interviews with her; and if caught he is required to give her parents a considerable present. These proceedings continue until the birth of the first child.[2] In the Sinaitic peninsula it is usual to capture the bride by force. The bridegroom flings his mantle (called *aba*) over her, saying, "No one shall cover thee but I," and forthwith carries her off to his own tent. But among the Mezeyne tribe the flinging of the *aba* is the signal for her escape to the mountains, whither her bridegroom at once pursues her. She allows herself of course to be caught, and they spend the night together in the open air. With the dawn she flees again, this time back to her home. There she abides and meets her husband only by night until conception has taken place, when at last she enters her husband's tent.[3]

In the Caucasus a Cherkess, though he has taken his wife to live with him, dare not show himself in public with her. For six or eight weeks he visits her in secret, entering it is said by the window. It is at any time a gross breach of propriety to speak to him

[1] F. A. Golder, *Journ. Am. F. L.* xx. 134, translating Veniaminov.

[2] Post, *Studien*, 242, citing Vambéry; McLennan, *Studies*, i. 186, citing Fraser.

[3] Löbel, 42; McLennan, *op. cit.* 181, citing Burckhardt. A later stage in the evolution of this ceremony is described by Jaussen, 53 note.

of her as his wife, or to inquire after her health.[1] Among the Ossetes the bride is taken to her husband's abode, but he himself goes to live at his foster-father's or in the house of a friend. Thence he visits her secretly and by night. At the end of a year or even longer she is allowed to pay a visit to her parents, whom she has not seen since her marriage. It is only after she returns with gifts from them to her husband's relatives that she is publicly recognised as his wife. But no man dare caress his own children in the presence of other people: he would become such an object of contempt that nobody would give him his hand, and any one might without being liable to punishment spit in his face.[2] The Chevsurs, who are strict exogamists, on the other hand leave the wife for a year at least in her own family. The relations between her and her husband are not recognised. They are so far secret that husband and wife do not speak to one another nor even look at each other in the presence of strangers, until at all events the first child is born. The Chechen bridegroom has a right to visit his bride between the betrothal and the wedding; but he must keep out of the way of her parents. Both among the Chechens and the Ingush he must always avoid his mother-in-law: her glance is of evil omen. Among the Transcaucasian Tartars the bridegroom ordinarily visits the

[1] Löbel, 70; Darinsky, *Zeits. vergl. Rechstw.* xiv. 188; Potter, 135 note, citing Wake; Kovalevsky, *L'Anthrop.* iv. 268.

[2] *Rev. Hist. Rel.* xlii. 459, citing Borisievitch; Darinsky, *loc. cit.* The Ossetes who are now in the stage of fatherright with strongly developed patriarchal institutions, preserve another relic of an earlier stage in the custom of a married woman to return during pregnancy to her parents' house and there to be delivered (*Globus*, lxxxviii. 24).

bride by night. And he is most solicitous to keep these interviews from the knowledge of other people. For the youth of the village and among them the brothers and kinsmen of the bride lie in wait for him and beat him without pity as he comes away from the house. Customs such as these are in fact found among almost all the tribes of the Caucasus.[1]

There are substantial reasons, one of which has been mentioned in the last chapter, for believing that in prehistoric Greece kinship was counted only through the mother. According to Plutarch (whose testimony is important though we may reject the cause he assigns) the relations between husband and wife in Sparta were at first secret; the husband's visits were nocturnal only, and were conducted with precautions against discovery by the rest of the family. Nor was this secrecy of short duration. Sometimes it lasted for years and children had been born before husband and wife had an interview by daylight.[2] A similar cause to that alleged by Plutarch is still given by the Albanian population of Turkey for the same custom. "A romantic reserve," we are told, "surrounds the interviews between the young couple, who, especially if the husband be one of a numerous family and have no private apartments, can only meet in secret until they have children of their own. The mountaineers cherish this custom which, they contend, by surrounding with a halo of romance and mystery the relations of the young couple tends to keep their love for each other fresh and warm."[3] In both cases doubtless the cause assigned is a subsequent invention to account for a

[1] Kovalevsky, *L'Anthrop.* iv. 272; Darinsky, *op. cit.* 188 *sqq.*, 204.
[2] Plut. *Lycurgus.* [3] Garnett, *Wom.* ii. 257.

custom no longer understood. The story told by Pausanias about Ulysses' marriage points to a custom in Lacedæmon of the husband's going to reside with his wife's family. After Icarius (it runs) had given Penelope in marriage to the hero, "he tried to induce his son-in-law to take up his abode in Lacedæmon. Failing in the attempt he next besought his daughter to stay behind. And when she was setting out for Ithaca he followed the chariot, entreating her. Ulysses stood it for a time; but at last he told Penelope either to follow him freely, or if she liked her father better to go back to Lacedæmon. They say that she answered nothing, but simply drew down her veil in reply to the question. So Icarius, seeing that she wished to depart with Ulysses let her go, and set up an image of modesty" at the point of the road where she let down her veil.[1] In the island of Kythnos to-day, though the marriage is public and solemnised with rejoicings, the bride does not leave her parental home; the bridegroom comes to live with her there. On her parents' death the eldest daughter succeeds to the house; and if a girl have not the prospect of this succession another house must be provided by herself or her family, otherwise she cannot obtain a husband.[2]

Among the ancient Cantabrians the daughters succeeded their parents though, Strabo tells us, they were required to provide wives for their brothers, by which is doubtless meant that they provided the funds to enable them to obtain wives, who were probably not brought home.[3] What was perhaps a relic of this rule

[1] Pausanias, iii. 20 (10), Frazer's translation.
[2] Hauttecœur, *Kythnos*, 17.
[3] Strabo, iii. 4, 18.

existed until recent times among the Basques. The eldest child whether son or daughter inherited. When the eldest child was a daughter her husband came to live at his wife's house with her parents. There he played a very limited part in the family; the real power was hers. The eldest son was not allowed to marry an heiress, nor the eldest daughter an heir.[1] As we have seen in a previous chapter, a Transylvanian Gypsy enters his wife's clan, but his complete union with it is not recognised until she has borne him a child.[2] Previous to that time his relation is obviously provisional and probably in earlier times was not recognised.[3]

The custom by which the wife continues to live at her own home and there receives the visits, open or

[1] *L'Année Soc.* iii. 379; Simcox, i. 212, 461. *Cf.* the Japanese custom, *supra*, p. 14. There is reason to suspect that a somewhat similar custom prevailed among the ancient Egyptians. On succession and on the position of women in general among the Basques, see A. R. Whiteway, *Eng. Hist. Rev.* xv. 625 *sqq.*

[2] Potter, 116, citing von Wlislocki. I have not von Wlislocki's work before me and cannot judge of the exact force of the word translated *clan;* but it is unimportant for our present purpose.

[3] Secret cohabitation does not appear in all of these modern examples: but it may be observed that in the north of Europe the nocturnal visits of an accepted lover are or were until quite recent years an ordinary part of the courtship. They are reported from Sweden, Germany, Switzerland, Holland, Scotland, the Lake District of England, and from Wales. Although the interviews take place upon or even in the lady's bed the pair are supposed to be dressed and to confine themselves to innocent endearments. It is only natural that the hypothesis imperfectly corresponds to the facts: Little harm is thought of whatever may take place if marriage follow in due course. So usual is the practice referred to that there are special verbs in the languages of all the countries named to describe it. See Potter, 133 *sqq.*; Liebrecht, 379; Lloyd, 346. *Cf.* the North American and other practices, *infra*, pp. 31, 66, 85, 89, 90.

secret, of her husband is found among many natives of Africa, and there as elsewhere it is often the preliminary of a more permanent cohabitation. Among the Bari of the Upper Nile the bride remains for the first few weeks of the marriage in her father's house and there receives her husband's visits.[1] The Mohammedan profession of the Beni Amer of Abyssinia is not unalloyed with many of their earlier customs. The wife is indeed taken to the husband's dwelling. But she has the right to return at any time to her mother's house, where she stays for months at a time, letting her husband know that he may visit her if he cares for her. She may on the other hand put an end to the marriage altogether at her own good pleasure by simply returning home; the husband of course has a similar right to leave her. The most usual form of marriage is by payment of a bride-price, which is not retained by the bride's father but becomes a common provision for the married pair, and of an additional gift to her relatives. Further, the bridegroom makes a present to her after the consummation of the marriage. Virginity is prized in a bride and is secured by an operation performed at a tender age. After the birth of the first child the operation is repeated, and requires a fresh present before it can be undone. A woman as a rule cares little for her husband and is always ready for an act of infidelity, especially where there is a prospect of gain. She tyrannises over him, many a time not stopping short of ruining and then leaving him. But she prizes her brother above everything.[2]

The people of Sarae, somewhat further to the south,

[1] Post, *Afr. Jur.* i. 395, citing Brun-Rollet.

[2] Munzinger, 324, 319, 320, 326.

are nominally Christians. Among them also the women hold a position of much consideration. Betrothal is procured by payment and is entered into very early. At marriage the bride's father must give the young couple five times the value of the sum received by him at betrothal. The bridegroom however is supposed to pay him a small bride-price. The actual payment is commonly postponed, and separation renders the claim void. The wife, in addition to the natural hold on her own family, has a special defender and sureties to protect her from her husband. In her earlier married life too she is accustomed to spend a great part of the year in her father's house, and her husband visits her there.[1]

Among the Wakamba the customary bride-price is paid either in one sum or by poorer people in instalments. Until it is all paid up the bridegroom cannot enter publicly into possession of the bride. She remains in the meantime in her father's custody, where he is at liberty to visit her. Any children already born are transferred to him by the public celebration of the marriage.[2] So the Mosuto bridegroom after payment of the first instalment or earnest of the bride-price is entitled to conjugal intercourse with the bride in her parents' house. This continues until he fetches her home; but any children born before the bride-price is paid up, belongs to her father or his heirs.[3] The Basuto, albeit in the stage of fatherright, preserve many relics of matrilineal institutions, to which these are to be reckoned. On the island of Fernando Po

[1] Munzinger, 387.
[2] J. M. Hildebrandt, *Zeits. f. Ethnol.* x. 401.
[3] *Id.* vi. 39.

the first wife (for the people are polygynists) is obtained by two years' service. During this period the girl remains in a hut concealed as much as possible from public gaze. Though courtship goes on, conjugal intimacy is not permitted until the two years have expired. The girl as bride is still further detained in the hut until unequivocal symptoms of motherhood appear, or failing them for eighteen months. At last she makes her appearance in public as wife, surrounded by a troop of singing and dancing maidens, and a feast is held.[1]

For a polygamous people reckoning kinship through the mother it is almost a matter of course, where the political conditions permit, that a man who can afford it should have wives in different places with whom he lives by turns. Among the Babwende in the neighbourhood of Stanley Pool on the Congo, the wife remains at her own town among her kinsfolk; the husband sojourns with her for awhile and then goes on to another, returning from time to time as he feels inclined. The missionary who records the custom attributes it to the peculiarly excitable character of the tribe, which renders it dangerous for a woman to live where she has not the protection of her relatives.[2] The custom is found however among other tribes of West Africa. Miss Kingsley records it as a characteristic of the native trader, and ascribes it to the necessity of an alliance in every village he is accustomed to visit. "I know myself," she says, "one gentleman whose wives stretch over three hundred miles of country, with a good wife base in a coast town as well. This system of judiciously conducted alliances

[1] Allen and Thomson, ii. 203. [2] Bentley, ii. 44.

gives the black trader a security nothing else can, because naturally he marries into influential families at each village, and all his wife's relations on the mother's side regard him as one of themselves and look after him and his interests."[1] Such reasons may help to strengthen and perpetuate a form of marriage which would otherwise tend to be submerged beneath the husband's desire for exclusive possession; but it must have originated independently in the practice of mother-right. Among the Wayao and Mang'anja of the Shire Highlands, south of Lake Nyassa, a man on marrying leaves his own village and goes to live at his wife's, though as an alternative he now sometimes pays a bride-price and takes the bride away. If, as frequently happens, he has more than one wife, he spends his time with each of them in turn at her own village. If all the children of any of his wives die he may leave her altogether.[2] We have already found an example of this kind of marriage among the Yakuts, and we shall find others elsewhere. Among the Bassa Komo of Nigeria visits are paid on both sides. Marriage is usually effected by an exchange of sisters or other female relatives. "Husband and wife do not live in the same house; but all the men live in one part of the village and the women in another. The wife visits the husband or *vice versâ*. The women look after all the children, but when four years old the boys go to work and live with their fathers." The woman's consent is necessary to the marriage, and she is supposed to be faithful to her husband; but he may

[1] Kingsley, *Trav.* 315.

[2] Duff Macdonald, i. 136, 140, 146; Werner, 132, 133; Rattray, 116, 202.

marry as many wives as he has sisters or female relatives undisposed of. The tribe practising this curious form of conjugal arrangement appears to reckon kinship through the father.[1]

The Bororó of Central Brazil obtain their livelihood chiefly by hunting; they reckon their lineage through the mother, and are still in the stage of savagery. According to von den Steinen the men (except the heads of households) live together in a common house. After marriage the husband continues to dwell there by day when he is not on a hunting expedition: he visits his wife at her parents' home only by night, where the young couple are allowed a hearth to themselves. This mode of life goes on until the death of the wife's parents, when the husband becomes the head of the household and takes up his permanent abode there.[2] A more recent traveller gives additional details and a somewhat different account. He tells us that the proposal of marriage always comes from the woman. After acceptance the man waits for several days, because he is ashamed to be seen entering his bride's house. Occasionally her father fetches him late at night that he may not be hurt by the gibes and mockery of the men in the *bahito* (common house.) "After marriage the man stays in the house of the bride until he has a family of his own, when he builds a house for himself."[3] These two accounts are not irreconcilable. The sense of shame spoken of in

[1] *Journ. Afr. Soc.* viii. 15, 17.

[2] Von den Steinen, 501.

[3] *J. A. I.* xxxvi. 390. The Abipones required payment of a bride-price; but the husband lived with his wife's parents until after the birth of a child, or at all events for some time, when he was allowed to take her to a separate hut (Dobrizhoffer, ii. 208).

the latter account (which is said to be accentuated when neither husband nor wife has had sexual intercourse before) points to secret intercourse as the ordinary mode of marriage. This inference is confirmed by von den Steinen's statement that the consent of parents is not required. They neither give nor receive anything for the marriage, which is evidently regarded as a matter concerning only the contracting parties themselves. If the parents object, strife ensues and the matter may have to be decided by force. Residence in a separate dwelling after children have made their appearance may be dependent on circumstances. Where for instance there are more daughters than one in a family it is obvious that the husbands of all of them cannot ultimately succeed to the headship of the household, and in such a case separate dwellings would be necessary.

An interesting counterpart to the practice of the Bororó is found among the Bontoc Igorot inhabiting the central part of Northern Luzon in the Philippines. There not the men but the unmarried girls of each village live in a large building called the *olâg*. Sexual intimacy is a preliminary to marriage, which rarely takes place prior to pregnancy. Infant betrothal is practised; but it is subject to the confirmation of the parties when they grow up, and family quarrels on the subject are said to be common. When a young couple wish to marry, if the parents consent, the girl continues to sleep in the *olâg* and the youth spends most of his nights with her; but they take their meals with the girl's parents, and the youth gives his labour to the family. This is the visiting stage. It continues for some months, until either she becomes pregnant or he

transfers his affections to another girl. When pregnancy occurs the girl's father builds or gives her a house, and the marriage ceremony takes place immediately on occupation of the dwelling. The preliminary union is therefore a trial union, the object being to ascertain whether the marriage will be fruitful. During this period it is to be observed that though the girl, as not yet married, continues to sleep in the *olâg* both she and her lover are in fact part of her parents' household; and when the period comes to an end it is the girl's father who provides them with a home.[1] The Igorot now recognise kinship through both father and mother.

The Molucca islands afford examples of almost all grades of conjugal relation. In the Luang-Sermata group the husband enters his wife's family; and if he wed a girl in another village he is practically lost to his kin. A man may have as many as five wives, each of whom of course lives apart from the others, besides less regular connections. In such cases he must be a mere visitor at his wives' homes.[2] Likewise in the Babar Archipelago the husband follows the wife and dwells in her house; and the children belong to the wife's family. Contrary to the practice in the Luang-Sermata group a bride-price is paid, but it seems only to carry the right to cohabitation, not to removal. When rich enough a man may marry as many as seven wives, each of whom continues to live in her maternal home. On the other hand it is a glory to capture a woman from another village and bring her away, in which case, whether compensation be paid or not, the children follow the father.[3] On the

[1] Jenks, 68. [2] Riedel, 324. [3] *Id.* 351.

islands of Ambon and Uliase there are two kinds of betrothal, the secret and the open, preceded both alike by intimate acquaintance and sexual intercourse. Secret betrothal ends in elopement. Open betrothal means a formal offer of marriage made on the bridegroom's behalf by his relatives. On its acceptance he establishes himself in his bride's dwelling, helping her parents in their daily work and contributing to the expenses of the household. He is not allowed to eat with his wife or her parents, nor to speak to her in their presence; and if he leave the house temporarily he must let them know whither he is going. But he cohabits clandestinely with her. This position, which is practically one of servitude, may last for years; and the children born while it lasts belong to the mother's family. Sometimes, instead of going to reside in the family, the bridegroom merely visits his bride once or twice a week until the time for the formal ceremony, which is dependent on the payment of the bride-price, is fixed. When payment is made a feast is held, the bride is handed over to the bridegroom and conducted to his dwelling. Elopement is said to have been the primitive form of marriage in these islands; but so far as I am aware the assertion does not rest on any substantial evidence. It is accomplished by the help of the bridegroom's relatives. The bride's parents are then appeased by payment, and the bride enters her husband's dwelling and family.[1] Here it is clear that the payment of the bride-price effects the transfer of the wife and her children—at least her future children—from her family to her husband's. On the island of Makisar marriage may take place by elopement and

[1] Riedel, 67.

subsequent payment of compensation. The children then follow the father. It seems more usual to conclude a formal agreement between the families. The young couple in this event live for awhile with the bridegroom's parents, until they set up a house of their own ; but the children follow the mother. With permission of the first wife a man may marry as many as five wives ; and the later wives dwell with their parents or in separate dwellings, except in case of poverty, when all the wives live under one roof of which the first is mistress.[1] Conversely on the island of Wetar the pair live at the wife's home until they get a separate dwelling ; but a bride-price is paid and divided between the bride's parents and the other members of her family. This assures the children to the father. He is, however, in nowise bound to care for them, but leaves this duty entirely to their mother.[2]

On the island of Serang intercourse between unmarried youths and girls is unrestrained. When a pair after some experience of one another in this way determine to live together, the fact is announced to the girl's parents. If they do not object the youth enters their house without any formality, and is considered as a member of the family. Nothing is said by the girl's parents about bride-price ; but this is usually paid as soon as she becomes pregnant, or after a satisfactory trial of married life. An exchange of presents between the families takes place on the public recognition of the marriage. When payment of the bride-price is completed the wife enters her husband's family ; but this does not discharge him from the duty of making constant gifts to her parents in order to

[1] Riedel, 415. [2] *Id.* 447.

keep alive his right to her and her children. In some districts children born before payment of the bride-price remain with their mother's parents. If the bride-price be not paid the husband remains in the wife's family and the lands of his kindred become security for the payment. Needy youths work out the bride-price; or by agreement some of the children may be taken by the bride's parents in discharge of it.[1] On the Tanembar and Timorlaut islands marriage is always preceded by sexual intercourse. A bride-price must be paid. It is an honour to the bridegroom to pay it all up at once. Indeed it is more than an honour: it is a substantial advantage. For although he is at liberty to marry after payment of one instalment, he has no right to take the bride away from her parents' dwelling, and they retain some power over her. Moreover in case of separation the children follow her. But payment of the bride-price changes all that. It enables him to take the bride to his own dwelling. It gives him full rights over her, and the children follow him in case of separation, unless he give her cause by grave ill-treatment. In the latter event she is empowered to take them with her, as well as all the property she may have acquired during the marriage. If by ill-luck he cannot complete the payment he lives in *matrimonium injustum*, or *beena* marriage, and once children are born he is bound to the service of his wife's parents so long as they survive.[2]

One way of marriage on the Watubela Islands is by agreement to which the kin on both sides are parties. A bride-price is paid, gifts are exchanged and the

[1] Riedel, 131. [2] *Id.* 300.

bride is formally handed over to her husband in his home. But side by side with this there is another way, by which the youth having gained his sweetheart's favour comes secretly to sleep with her and remains in her apartment until discovered by her parents. When this happens, declaring his passion for their daughter he gives himself wholly up to them to be dealt with as they decide, or as it is figuratively expressed "to be marked as their slave." If they are willing he stays in his wife's house, enters her family and works for her and her parents. His children then follow their mother; but if later he be in a position to pay the bride-price the children follow him and he obtains full rights over them as in the more formal marriage previously mentioned. If the parents are unwilling for the marriage, the youth on being discovered is compelled to leave the house and pay compensation equivalent to a sovereign of our money. Monogamy is the rule.[1] In the Romang Archipelago unmarried girls are allowed unrestricted intercourse with men. A youth intending to marry pays repeated visits to the house of his beloved, to whom he offers a *sarong*, or scarf, and some glass beads. If these things are accepted he stays in the house and endeavours to obtain her utmost favours openly in the presence of her parents or relatives. When this happens the latter flare up in a rage, abuse him and demand immediate payment of the bride-price; they snatch up their weapons and rush off to the dwelling of the youth's parents or relatives as if they will fight them. The youth's relatives, thus attacked, on their part seize their weapons and issuing forth inquire what is the

[1] Riedel, 206.

matter, at the same time standing on their guard against assault. At last one of the assailants asks whether the bride-price will be paid. On an affirmative answer being returned both parties separate as friends and in a high state of merriment over the scene which has taken place. The youth remains in his wife's house and being incorporated into her family loses all rights in his parents' house. The first-born child is yielded to the wife's parents, and in return the bride-price is repaid. The other children belong to their mother.[1] On the islands of Leti, Moa and Lakor no bride-price is paid; the husband lives in his wife's house until he builds a separate dwelling; and of the children the boys follow their mother and are incorporated in her family, while the girls belong to their father.[2] The population of the Seranglao and Gorong Archipelago has accepted Islam. This has naturally affected the marriage customs; but an interesting relic of the earlier conditions is found. As soon as the marriage is agreed on and before the bride-price is paid the bridegroom is entitled to resort by day to the bride's father's dwelling and there to eat and drink, in which case the bride must serve him. He is further entitled to pass the nights there, sharing the bed with his bride, in order, it is said, that they may learn to know one another. In return he is bound to yield a portion of his earnings to the bride, and to help her parents. But apparently he is not supposed to consummate the marriage until payment of the bride-price. This, however, is not always paid at once. Any children born before payment is completed follow the

[1] Riedel, 464. [2] *Id.* 390, 392.

mother's family; but subsequent payment secures them to the father.[1]

In Talauer, Sengir and the other small islands between Celebes and the Philippines motherright is the rule. The husband goes to reside in the wife's house and becomes a member of her family. The marriage-bond, however, is loose, for divorces frequently occur. As a bride-price is paid, it is only rich men who can afford the luxury of frequent change of wives. In Talauer in case of the wife's adultery her paramour has to pay a fine not to her husband, but to her parents.[2] On the island of Engano the husband almost always enters at marriage the family of his wife; and so close is the bond thus created that her death is very far from dissolving it. If he afterwards contract a marriage in another family that of his deceased wife is entitled to compensation. The reason of this is partly, at any rate, economic; for on entering a family by marriage the husband works in the fields of his new relations and thus contributes to the support of the entire circle. A new marriage means a transfer of his labour, of the benefit of which the family of his former wife is thus deprived.[3] On

[1] Riedel, 171 *sqq.* The intervention of the *imam* in the marriage ceremonies is of course proper, but it seems to be not essential if the bride-price have been paid.

[2] Hickson, *J. A. I.* xvi. 138.

[3] Modigliani, *Isola*, 215. A small payment is made for the bride. Theoretically a man may have as many wives as he likes; but monogamy is the rule, the contrary being very rare (*Ibid.* 211, 212). Separation however is very common and is usually carried out by agreement, the parties remaining the best of friends. I cannot discover definitely from the author's account whether the Enganese reckon descent through the mother or through the father. It would seem from the above and certain other customs that they are in the stage of motherright.

the island of Timor there are some very curious regulations. The men belonging to the kingdom of Bibiçuçu can obtain wives by barter, that is by payment of a bride-price, from the neighbouring kingdom of Manufahi; but the men of Manufahi cannot purchase wives from Bibiçuçu. A man of Manufahi who wishes to marry a woman of Bibiçuçu must come and live with his wife in her country: no purchase-money may be paid or accepted for such a marriage. This rule extends even to the rajah of Manufahi himself. But there is a further complication. "Saluki and Bidauk are two districts of the kingdom of Bibiçuçu. A man of Saluki may marry a woman of Bidauk, and take her back with him to Saluki; but he must purchase her, and it is not in his option to remain in Bidauk with his wife's relations instead of paying for her. On the other hand the men of Bidauk can marry with the women of Saluki; but the man must go to Saluki and live in the house of the woman, and he has not the option of paying for her at all. The children of the union belong to her, and on her death inherit all the property, while the husband returns to his own kingdom [*sic*: district?], leaving the children behind him, except in case of there being more than two, when he is entitled to claim at least one."[1]

In Borneo the Dyaks and other tribes dwell in vast houses which accommodate two or three hundred or even more persons. This population of a house consists of related families, each family having an apartment to itself. In Sarawak a Land-Dyak bride-

[1] Forbes, 457; *J. A. I.* xiii. 414.

groom "generally betakes himself to the apartment of his wife's parents or relations, and becomes one of the family. Occasionally, as for example when the bride has many brothers and sisters, or when the bridegroom is the support of aged parents, or of younger brothers and sisters, the bride enters and becomes one of the family of her husband."[1] Among the Balans or Sea-Dyaks of Lingga, "as a general rule if the bride be an only daughter, or of higher rank, the husband joins her family; if he be of higher rank or an only son, she follows him. . . . If they should be of equal condition and similarly circumstanced, they divide the time among their respective families until they set up house-keeping on their own account."[2] Among the Sibuyau Dyaks of Lundu, the Dusuns and other tribes the rule is that the husband follows the wife, lives with and works for her parents, and the children belong to their family.[3] The Sea-Dyaks settle the place of residence of the young pair, whether in the household of the bride or of the bridegroom, in the course of the marriage negotiations.[4] The natives of the Barito River basin in British North Borneo often betroth their children very young. If this be not done they marry from inclination when they have arrived at adult life. In either case they dwell after marriage with the wife's parents; although, it is said, the wife is considered as a member of the husband's family as well as the husband a member of the wife's family. Marriage is life-long, and as a general rule the man is content with

[1] St. John, i. 162. [2] *Id.* 52.

[3] *Id.* 50; Roth, *Sarawak*, i. 124, 125; Wilken, *Verwantschap*, 733; Bastian, *Indonesien*, iv. 24, 26.

[4] *Anthropos*, i. 167.

one spouse.[1] The peculiarities of the marital arrangements of both Timor and Borneo seem to point to a conflict between the old motherright and the fatherright which is superseding or has superseded it.[2]

The Wagawaga tribe, on Tauwara, British New Guinea, reckon kinship in the female line; and conformably thereto the husband goes to live among the wife's kin.[3] This is the custom on Ruck, one of the Caroline Islands;[4] and concerning the Mortlock Islands, usually regarded as belonging to the Caroline group, we are told that the man who marries a woman of another tribe must go to dwell with her and cultivate her land. He does not relinquish his own land at his own home, but he brings the produce to his wife's family.[5] The natives of the Melanesian island of Rotuma are organised in exogamous clans descendible in the female line, and each dwelling by itself. On marriage the husband as a rule entered the wife's clan, or *hoag*, and came to live with her. In the case of a big chief or the head of a clan, or if the man

[1] Roth, *op. cit.* ii. clxxix. citing Dr. Schwaner. If we may believe Dr. Schwaner's report, "Members of the same family are allowed to contract marriage, nay, even the nearest relations, brothers and sisters, parents and children."

[2] It is hardly necessary to emphasise the statement already made or implied that the place of residence of husband or wife during the marriage is by no means an infallible test of the existence of male or female kinship. In Australia the prevailing rule, whether the kin be reckoned through males or through females, is that the woman goes to live with her husband. There are, however, a few exceptions; but they seem to have been insisted on from political reasons (Howitt, 220, 225, 234).

[3] *Colonial Rep. No.* 131. *Brit. New Guinea*, 1893–4, 80.

[4] *L'Année Soc.* iv. 328, reviewing *Globus*, lxxvi. 37 *sqq.*

[5] Bastian, *Indonesien*, iii. 96. Bastian with his incorrigible negligence professes to quote but gives no reference.

belonged to a very rich *hoag*, the bride usually entered his *hoag*. The husband who entered his wife's *hoag*, however, only remained in it during her lifetime. When she died, as the corpse was taken out through one door of the house he was pushed out of the other, signifying that he had now no right in it. These arrangements are undergoing modification, and it is instructive to compare the process with some of the other customs already mentioned and to be mentioned hereafter. During the first three days of marriage a wedded pair now "remain in the woman's house, but on the fourth are decked out in big mats and flowers and brought in procession to the man's house. After the sixth day they go to whichever *hoag* they are going to live in; a usual arrangement at the present day is for them to live half a year in each. . . Of course such a method now often leads to the separation of the pair, the wife going back to her old home. The husband then cooks some taro and a pig, which he takes to her, after which she is bound to let him remain with her, or go with him, for one night."[1] On the Murray Islands in Torres Straits the natives were divided into totemic clans, but fatherright had so far prevailed that children might take either their mother's or their father's totem, while inheritance not merely of chieftainship but also of property had become hereditary from father to child. Marriage was by elopement followed by payment of a bride-price and a formal ceremony which lasted for some days. On its

[1] J. Stanley Gardiner, *J. A. I.* xxvii. 429, 478, 485, 480. I gather, though it is not explicitly stated in Mr. Gardiner's account, that the separation was not final, but that the husband was entitled to the society of his wife as often as he thought fit to bring her the gift of the taro and pig.

conclusion "at first the married couple would live with the husband's friends, but afterwards would alternate and sometimes stay [by which I understand *make their permanent abode*] with the wife's relations."[1] Nauru is an island in the Pacific Ocean, west of the Gilbert group. Its population is derived from the Gilbert, Marshall and Caroline Islands. Motherright is the rule here, and accordingly on marriage a man always goes to his wife's house. When the eldest daughter in a family marries her parents give up to her their house and build a new one close by for themselves. For each other daughter on marriage a new house is built in the immediate neighbourhood.[2] Contrary to most of the Micronesian islands the population of Yap reckon descent through the father; yet not without remains of an earlier stage. A man makes a present to his father-in-law on his marriage; but he receives a present in return. He does not take his wife to his home; he goes to hers. Though monogamy is the rule polygyny is recognised so far that a man may have as many as four wives at one time. Each of these wives lives with her own kin; it would seem therefore that he must visit them in turn. Separation is common, and is allowed on almost any pretext. There must however be some ground, if only a trivial one. There is no distinction in law, and not much in social standing, between legitimate and illegitimate children: if the father will not take an illegitimate child the mother's family will; and it then inherits from her father.[3]

Among Polynesian peoples it was the custom of

[1] Rev. A. E. Hunt, *J. A. I.* xxviii. 6, 7, 9, 10.
[2] *Globus*, xci. 76, 57. [3] *Ibid.* 141, 142,

the natives of Bowditch Island that the husband went to live with the wife's kindred. Inasmuch however as polygyny was allowed it is to be presumed that where more wives than one were married this custom only applied to the first.[1] Like most of the Polynesians the Maori have reached the patrilineal stage; but many vestiges of the reckoning of descent through the mother are to be found. The marriage ceremony consists in a simulated capture of the bride, in former days a very real and often bloody struggle. A few days afterwards the lady's relatives appear and demand reparation. A palaver ensues, ending in a handsome present by the husband and a feast at his expense. But sometimes, Mr. Taylor tells us, "the father simply told his intended son-in-law he might come and live with his daughter; she was thenceforth considered his wife, he lived with his father-in-law and became one of the tribe, or *hapu*, to which his wife belonged, and in case of war was often obliged to fight against his own relatives. So common is the custom of the bridegroom going to live with his wife's family that it frequently occurs, when he refuses to do so, she will leave him and go back to her relatives. Several instances came under my notice where young men have tried to break through this custom and have so lost their wives."[2]

The influence of Brahmanism on the aboriginal population of India has been so potent that far fewer examples of motherright are to be found among them than might have been expected. Some of the more complete of these have already been mentioned.

[1] *J. A. I.* xxi. 54.
[2] Taylor, 337; *J. A. I.* xix. 103.

Several of the Dravidian tribes that have adopted patrilineal reckoning preserve the relics of mother-right, especially in the shape of residence by the husband with his wife's family. It prevails for instance among the Kharwârs and Parahiya and is common among the Ghasiyas in the United Provinces. In all three cases the son-in-law is required to pass a period of probation of one year working for his father-in-law, during which he is entitled to maintenance, but he has no right of inheritance in his father-in-law's property. Further traces of motherright are discoverable among the last-named tribe. Marriage appears to be an affair of individual choice. "If a girl fancies a young man all she has to do is to give him a kick on the leg at the tribal dance of the Karama, and then the parents think it as well to hasten on the wedding. In fact, it seems often to be the case that the man is allowed to try the girl first, and if she suits him and seems likely to be fertile he marries her." The wife too has rights inconsistent with patrilineal custom. She may leave her husband if he intrigue with another woman, or if he become insane, impotent, blind or leprous. None of these bodily disabilities will justify a husband's repudiation of his wife; and repudiation for adultery is uncommon, because adultery within the tribe is little thought of, while women are so jealously guarded against intrigues with aliens that they seldom occur. "Besides this, nothing but the evidence of eye-witnesses to the act of adultery is accepted."[1] I have already mentioned

[1] Crooke, *Tribes and Castes*, iii. 242; iv. 128; ii. 414, 412. A Bhuiya girl has only to kick a young man on the ankle during a dance and the parents marry the couple forthwith (ii. 83). A

the marriage custom of the Tipperah of Bengal. Residence by the husband and service in the father-in-law's house is also one of the forms of marriage practised by the Santáls. It is resorted to when a girl is ugly or deformed and there is no prospect of her marrying in any other way. The husband is expected to serve for five years. "At the end of that time he gets a pair of bullocks, some rice and some agricultural implements, and is allowed," we are told, "to go about his business:" by which we are presumably to understand that the marriage is at an end.[1] Among the Badagas of the Nilgiri Hills "it is said to be common for one who is in want of labourers to promise his daughter in marriage to the son or other relative of a neighbour not in circumstances so flourishing as himself; and these engagements being entered into, the intended bridegroom serves the father of his

Santal youth by surreptitiously marking a girl on the forehead with vermilion or indeed any common earth makes her his wife (Risley, *Tribes and Castes*, ii. 230). *Cf.* the Ntlakápamux custom cited below p. 90.

[1] Risley, *Tribes*, ii. 230. What is called *beena* marriage is in fact not very uncommon in India. For examples, see Crooke, *Tribes and Castes*, i. 281; ii. 109, 218, 434. It is possible that the custom of *Illatom* followed by some of the castes, including the Nambûdri Brahmans of the south of India, may be ultimately derived from the custom by which a husband goes to reside in his wife's family. By the custom of *Illatom* a father who has no sons adopts for certain purposes a daughter's husband, but without the religious ceremonies necessary to full and complete adoption. It is probably immediately derivable from, or at least has been influenced by, the old Hindu custom by which a father without sons appointed a daughter to bear him issue who could perform the *śraddha*. But it is now overlaid by so many legal decisions that the relation of an *illatom* son-in-law to his wife's family has become highly artificial. See Ramachendrier, *Collection of Decisions on the Law of Succession*, &c. (Madras, 1892) 39 *sqq*.

betrothed as one of his own family till the girl comes of age, when the marriage is consummated and he becomes a partner in the general property of the family of his father-in-law."[1] These arrangements are therefore only employed for special reasons. They may however be a relic of an earlier social condition of these two tribes.

The Kamtchadals live in small communities or families, each in its own *ostroshock* or village composed of a small number of households. A youth who marries goes to reside in his wife's *ostroshock;* he does not bring her to his. The marriage used to be made by means of a very simple ceremony. The lover went to the hut where his sweetheart dwelt with her parents and kindred and there played the wooer, rendering himself officious and offering all sorts of services to the family. These services were accepted if he had the good fortune to please. He then watched his opportunity to perform a public act of familiarity with the girl. In doing this he had to run the risk of resistance and even serious blows on the part of any married women who might happen to be present. If successful the young people thenceforward lived together without any further formality in the wife's hut.[2] The Kamtchadals have now accepted Russian Christianity, and it has to some extent modified their customs. Many of their tales, however, reflect the former practice by which the husband went to live in the dwelling of the wife's family; while others represent him as taking his wife back after a time to his own home. The latter probably portray the present

[1] Thurston, 33.

[2] Georgi, iii. 77, 89. *Cf.* Post, *Studien*, 47.

usage. Their neighbours. the Koryak, have for the most part resisted the efforts of the missionaries to convert them from their ancient paganism. The traditional tales current among them disclose that the suitor usually serves for the bride and having married her remains with her in her father's or her brother's settlement, often making after some time a ceremonial visit with her to his own home, and subsequently returning.[1] Among the Chukchi it was formerly the custom when persons belonging to different family groups intermarried that the bridegroom entered the bride's family, "leaving for ever his own kindred." Latterly this has been commuted for service during a period of one or two years. "A young man thus serving his father-in-law as Jacob served Laban has to perform all kinds of rough and hard work, and is usually tested by various trials before the family of the bride allows him to lead her away. Rich families having many young women whom they are unwilling to give to strangers generally select poor young men. These having stood the test are admitted to the bride and become members of the family by the performance of certain rites." Such marriages however, "are not very binding. The parents and brothers of the woman given away to the stranger reserve the right to take her back even after the lapse of years. . . . In the case of accepting a poor young man into the family there have been instances where the father-in-law, becoming

[1] Jochelson, *Jesup Exped.* vi. *passim*. The Kamtchadal tales are comprised in pp. 327–340. The Koryak custom as represented in the tales is not invariable. Occasionally the wife is at once taken away to the husband's home; but I have stated in the text what appears to be the predominant practice.

displeased, has suddenly sent the son away, although he may have been in the enjoyment of his nuptial rights for several years. In one such case the young man, rather than leave his wife, took both her life and his own." No bride-price is paid on a marriage within the tribe. The marriage rite, we are told, "is very simple. Its chief feature consists of anointing with the blood of a reindeer slain for the purpose. The bride and bridegroom, with other members of his family, paint on her face the hereditary signs of her new family, by which she casts off her old family gods and assumes the new ones. When the bridegroom is taken to the family of his father-in-law, his family totem-marks and gods are discarded and he paints on his face the totem of the family to which he will henceforth belong."[1] The Afghan bride is taken to her husband's home; but in a few days she returns and lives with her husband in her parents' house.[2]

The commutation of the bridegroom's permanent residence in his wife's family for a temporary residence there followed by removal with his wife and children to his own house, is found among many peoples. Certain of the aboriginal tribes of China require the husband to reside for a period of seven or ten years with his wife's parents, permitting him at the expiration of that period to return to the home of his fathers and to take his wife. Meanwhile the eldest child

[1] Bogoras, *Am. Anthr.* N.S. iii. 102; *Jesup Exped.* vii. 359. Residence with the wife's family was perhaps the rule among the pagan Sakai of Perak (Skeat and Blagden, ii. 62, 63). The Manchu rule is to take the bride to the bridegroom's house; but the contrary arrangement is sometimes stipulated for (J. H. Stewart Lockhart, *F. L.* i. 491).

[2] Post, *Studien*, 242, citing Kohler, *Zeits. vergl. Rechtsw.* v. 361.

of the marriage has been given to the husband's parents and the second to the wife's. Presumably the rest are retained and follow the husband and wife.[1] In Selangor, one of the states of the Malay Peninsula, the people are Mohammedans. But the bridegroom is "expected to remain under the roof (and eye) of his mother-in-law for about two years (reduced to forty-four days in the case of 'royalty'), after which he may be allowed to remove to a house of his own." A ritual stealing of the bridegroom by his relatives takes place on the third night after completion of the wedding. He is brought back the next day and a grand lustral ceremony is performed.[2] The fisher-folk of Patani Bay, also a Mohammedan people, are divided into families, each of which reverences a particular species of fish and abstains from eating it. This cult, if cult it may be called, appears to be, or to have been *originally*, descendible in the female line. A man who marries into one of these families becomes liable to the prohibitions attaching to his wife's family; if himself of a fisher-family he becomes liable to the prohibitions of both. It is customary to spend the first fortnight of married life at the house of the bride's parents. At the end of fifteen days the bridegroom's parents come and formally conduct the couple back to his old home, where they live together until he can afford to have a house of his own.[3] Here an analogous ceremony

[1] Gray, ii. 304.

[2] Skeat, 384. All brides and bridegrooms are treated as "royalty," *i.e.*, as sacred, taboo. I am not quite sure, therefore, whether Mr. Skeat means that in all cases the term of residence at the bride's house is reduced to forty-four days.

[3] Annandale, *Fasc. Mal.* i. 75.

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to that in Selangor witnesses to the gradual breaking-down under similar influences of the matrilineal system formerly in force. Generally in the Patani States "the bride and bridegroom are expected to take up their abode in the house of the bride's parents; but the custom has now become largely ceremonial, and as a rule they only stay a fortnight, after which they are conducted in procession by the bridegroom's parents to his old home, where they live until he can afford to have a house of his own." Women, however, have a very independent position; and the bridegroom "cannot force the bride to leave her parents, though her refusal to do so is considered valid ground for regular divorce, the man receiving back the wedding present."[1] A similar ceremonial residence in the bride's home is found among the Kaduppattans of Cochin in the south of Hindustan. The protracted marriage rites are begun in the house of the bride's father and completed in the bridegroom's house. The bride's father then takes the pair back to his home, where they remain for twelve days, afterwards returning to the bridegroom's.[2] Service for a bride is by no means unusual among the tribes of Southern India; but such cases when the bridegroom does not continue to reside after marriage in the wife's family need not detain us.[3]

[1] Annandale, *Fasc. Mal.* ii. 75.

[2] *Ind. Cens.* xx. 1901, 166. More protracted is the residence of the young couple in the bride's father's house among the Mikírs, where there is no bride-price but the bridegroom after marriage has to work for his father-in-law for an agreed period (Stack, 18).

[3] Examples will be found in Thurston, 33. The custom among the Shânârs of Travancore by which all the bride's expenditure until her first child is born is supplied from her father's house, where also

The Chingpaw of Upper Burmah are divided into patrilineal exogamic kins. On marriage a bride-price is paid, which is regarded as a compensation to the bride's parents for the loss of her labour. It is often considerable, and if the suitor be unable to pay it he may work it out. In this way he becomes a dependent of his bride's family for a longer or shorter period. As no marriage takes place without previous intercourse, presumably while living in this condition the bridegroom has access to the bride, if not actually married. The completion of his period of service enables him to take away his wife and children to his own village.[1] In Cambodia the negotiations for marriage are conducted by the relatives of the young couple; and often the latter have not exchanged a word until after their betrothal. The girl's parents then make a formal request that their intended son-in-law shall come to the house to serve for awhile. The period of service is in fact a period of probation in which it is the youth's business to render himself agreeable to the young lady as well as to her parents. On the day appointed he accordingly comes and remains under their roof for an indeterminate period, sometimes longer sometimes shorter, at their orders. It is the duty of his betrothed to prepare his food and

her first confinement should take place, is probably a survival from the time when she continued notwithstanding marriage to live in the parental home (Mateer, 106).

[1] *Int. Arch.* Suppl. xvi. 26 *sqq.* Off the coast of Tenasserim the Mergui islanders live in boats. The population of each boat is a patriarchal community. After marriage the bridegroom is taken into his father-in-law's boat until he can manage to get a boat of his own (*Globus*, xcii. 290). This seems to be merely a temporary convenience for the husband; but that the residence in such a case should always be with the wife's parents is not without significance.

betel-nut-quids and to roll his cigarettes. This leads naturally to a lovers' intimacy between them, and if the young lady be satisfied to favours of a more decisive kind. The bridegroom's parents indeed usually urge him to seek these favours as a guarantee for his position; for when once they are granted there is no withdrawal for either party, and subsequent infidelity on the part of the girl is treated as adultery. Although among families in easy circumstances, able at once to pay the expenses of a formal marriage, the period of probation is short, in some cases no longer than fifteen or twenty days, in other cases it is extended even for years. Nor does the youth always reside with his parents-in-law: he may live at his own home, only paying visits and assisting his parents-in-law in the labours of sowing or harvest, or the like. It is not very rare to see more than one child, born during this interval, at the subsequent marriage of its parents. Such little ones, though not regarded by the lady's family with any great pleasure, are by no means a disgrace. They are considered as legitimate, since their parents are betrothed—"*presque mariés*"—and as such have rights and duties which the law recognises.[1]

The real character of the period of probation as a relic of an earlier form of marriage in which the husband either visited or dwelt with his wife in her own home is made apparent by comparison with the customs of some of the tribes of Northern Tonkin. Among the Eastern Thai, when the bride has been brought to the husband's house and formally installed there the wedding is far from being concluded. In fact the bride passes the

[1] Aymonier, *Excursions*, xvi. 197.

night with the female friends who have accompanied her from home. Nor do they leave her the whole of the next day, which is devoted to feasts offered by the husband's family. The following day husband and wife go to present themselves before the bride's ancestors, and the husband returns alone. Only some time afterwards may the union really take place, and then in quite a fugitive manner and under pretexts which mask it as if it ought to be kept secret. In some places the wife spends alternately fifteen days at her husband's house and fifteen days at her own. Elsewhere she only comes to his house if she is called thither on pretext of helping in the household management or in the field-work. This situation, abnormal from our point of view, continues until pregnancy is proved, or if she remain barren until the end of the third year. During the whole period she continues to preserve the same liberty of intrigue that is permitted to unmarried girls, and she gads about to *fêtes* and markets, singing with the lads erotic songs just as the unmarried girls do. It often happens therefore that the paternity of her eldest child is more than doubtful.[1] The marriage customs of the Lolo of the highlands of Bao-Lac, of which they claim to be the original occupiers, are similar. The wedding is celebrated at the bridegroom's house, where the bride remains for six days. The married pair then pay a visit to the bride's parents, taking a present of rice and fish.

[1] Lunet de Lajonquière, *Ethnog. Tonkin Sept.* 154. There are small variations among the different tribes of the Thai group. The customs described above are those of the Tho. Among the Ming, another tribe of the group, the bride returns to her own home after a cohabitation of some hours (*Id.* 195); among the Tchong-Kia, after a few days of cohabitation (*Id.* 206. *Cf. Anthropos*, ii. 367).

They remain there two days, and returning to the bridegroom's house they spend another night together, after which the bride goes back to her parents and only installs herself permanently in her husband's domicile when pregnancy becomes evident.[1] Among the various Man tribes the bridegroom passes an avowedly probationary period in the bride's house. The period exacted by the Man Tien is a month. After this the formal wedding takes place. The young couple first drink rice-spirit together and worship the bride's ancestors, then proceeding to the bridegroom's home drink together and worship his ancestors. The bride is formally presented to the bridegroom's relatives, with whom they remain.[2] The Man Quan Trang require a much longer residence of the bridegroom in the bride's home. Formerly it was for six years; even now it is for three, unless redeemed by payment. It begins when the youths are about twenty years of age and the girls fourteen. No sexual relations ought to take place between them during this period; but in reality such relations always exist without much importance being attached to them, unless pregnancy result. In this case the lovers are definitely united and neither party can afterwards withdraw. So long as pregnancy does not happen the youth can withdraw without paying anything; but if the girl's parents alter their minds they must pay him an indemnity for the services he has rendered in their house. After the formal marriage the young couple must work for seven years in the husband's paternal home before being able to settle elsewhere. In this way it is said the parents of both are remunerated for the care bestowed on their

[1] Lunet 329. [2] *Id.* 257.

children.[1] This is no doubt a modern justification for customs the origin of which has been forgotten. All these tribes, however, practise also the form of marriage to which McLennan gave the name of *beena* marriage from the word in use in Ceylon for a husband who was taken to reside in his wife's house or village.[2] When a youth among the Tho is too poor to pay the bride-price, he may renounce his name and enter his father-in-law's family as an adopted son. Among other tribes the bridegroom enters the service of his wife's family for a definite number of years in lieu of a bride-price. In such cases there is no adoption.[3] Chinese influence has been for centuries powerful in the north of Tonkin. To it we must probably attribute the fact that fatherright has become the general custom, though many traces of the reckoning of kin through the mother remain.

Up to the last quarter of the eighteenth century there prevailed in Passummah and Rejang, two contiguous districts of the island of Sumatra, two kinds of marriage. These were known by the respective names of *jujur* and *ambel-anak*. The *jujur*, says Marsden, "is a certain sum of money given by one man to another as a consideration for the person of his daughter, whose situation in this case differs not much from that of a slave to the man she marries, and to his family. His absolute property in her depends, however, upon some nice circumstances. Beside the *batang jujur* (or main sum) there are certain appendages

[1] Lunet, 272. [2] McLennan, *Studies*, i. 101.

[3] Lunet, 156, 207, 242, 293. Among some unspecified Thai tribes the service is said to be for the lives of the bride's parents without adoption or compensation of any kind (*Anthropos*, ii. 370).

or branches, one of which the *tali kulo*, of five dollars, is usually from motives of delicacy or friendship left unpaid, and so long as that is the case a relationship is understood to subsist between the two families, and the parents of the woman have a right to interfere on occasions of ill treatment; the husband is also liable for wounding her; with other limitations of absolute right. When that sum is finally paid, which seldom happens but in cases of violent quarrel, the *tali kulo* (tie of relationship) is said to be *putus* (broken), and the woman becomes to all intents the slave of her lord. She has then no title to claim a divorce in any predicament; and he may sell her, making only the first offer to her relations." After mentioning the other two "appendages," namely, the *tulis tanggil* (which he cannot explain) and the *upah daun kodo* (payment for the marriage feast), Marsden proceeds: "These additional sums are seldom paid or claimed before the principal is defrayed, of which a large proportion, as fifty, eighty, and sometimes an hundred and four dollars, is laid down at the time of marriage, or in the first visit (after the parties are determined in their regards) made by the father of the young man, or the *bujang* himself, to the father of the woman. . . . Until at least fifty dollars are thus deposited the man cannot take his wife home; but so long as the matter continues *dalam rasa-an* (under consideration) it would be deemed scandalous in the father to listen to any other proposals. When there is a difficulty in producing the necessary sum it is not uncommon to resort to an expedient termed *mengiring jujur*." By this arrangement the debtor becomes practically a slave, all his labour being due to his creditor, without it seems any

reduction in the debt, which must be raised and paid without deduction. Long credit is then given for the remainder of the *jujur*. "Sometimes it remains unadjusted to the second and third generation; and it is not uncommon to see a man suing for the *jujur* of the sister of his grandfather. These debts constitute, in fact, the chief part of their substance; and a person is esteemed rich who has several of them due to him for his daughters sisters aunts and great aunts. Debts of this nature are looked upon as sacred, and are scarcely ever lost. In Passummah, if the race of a man is extinct, and some of these remain unpaid, the *dusun* or village to which the family belonged must make it good to the creditor; but this is not insisted upon amongst the Rejangs." Sometimes instead of paying a *jujur* an exchange is effected, by which one maiden is given for another.

In *ambel-anak*, on the other hand, "the father of a virgin makes choice of some young man for her husband, generally from an inferior family which renounces all further right to or interest in him, and he is taken into the house of his father-in-law, who kills a buffalo on the occasion and receives twenty dollars from the son's relations. After this the *buruk baik'nia* (the good and bad of him) is vested in the wife's family. If he murders or robs, they pay the *bangun*, or the fine. If he is murdered, they receive the *bangun*. They are liable to any debts he may contract after marriage; those prior to it remaining with his parents. He lives in the family, in a state between that of a son and a debtor. He partakes as a son of what the house affords, but has no property in himself. His rice-plantation, the produce of his

pepper-garden, with everything that he can gain or earn, belong to the family. He is liable to be divorced at their pleasure, and though he has children must leave all and return naked as he came. The family sometimes indulge him with leave to remove to a house of his own and take his wife with him; but he his children and effects are still their property. If he has not daughters by the marriage he may redeem himself and his wife by paying her *jujur;* but if there are daughters before they become emancipated the difficulty is enhanced, because the family are likewise entitled to their value. It is common, however, when they are upon good terms, to release him on the payment of one *jujur*, or at most with the addition of an *adat* of fifty dollars. With this addition, he may insist upon a release whilst his daughters are not marriageable. If the family have paid any debts for him he must also make them good."[1]

It is obvious that these forms of marriage are the adaptation to a comparatively advanced civilisation of much more primitive arrangements. The *jujur* marriage by its elaborate qualifications and conditions betrays its highly artificial character. The *ambel-anak* is simpler. But the husband's subordination among his wife's relatives has been emphasised by the growth of a patriarchal form of society. The result has been that the more archaic form of marriage has become degraded and been left, as among the Tho or Tonkin, to youths of a lower class of society or too

[1] Marsden, 225, 235, 257, 262. *Cf.* Bastian, *Indonesien*, iii. 6, 21, 22, 87. As in Japan, *ambel-anak* seems to be still used in some places to continue a family when for want of sons the heirship has fallen to a daughter (Marsden, 264).

poor to pay a bride-price. A bride-price is indeed actually paid, but it is of a nominal amount. It avails only for the right of cohabitation, and does not transfer the custody of the bride's person, or the *potestas*; still less does it change the descent from the maternal to the paternal line as does the *jujur*. The personal position of the husband, however, is, while the marriage lasts, better than that of one who, married by *jujur*, is unable to pay the whole and who therefore becomes an enslaved debtor in his father-in-law's house. Moreover, by custom he can insist on release if he can pay up the *jujur* and *ádat*; and in Passummah if the father-in-law dismissed him he could turn the tables upon him by paying a hundred dollars, thus redeeming his wife and family, converting the *ambel-anak* into a *kulo* marriage and returning to his former *tungguan* (settlement or family), a man of more consequence in society.

The Achehnese at the north-western end of the island have accepted Islam; but many of the earlier customs persist and maintain a by no means unequal conflict with Mohammedan polity. Among these are their marriage customs. After the negotiations are completed, the consent of the head-man of the kampong alike of the bride and of the bridegroom must be obtained. A formal betrothal follows as a preliminary to the long and tedious ceremonies of marriage. When these are at an end the bridegroom commences to visit the bride. He sleeps with her for seven nights under the surveillance of an old woman, and is not allowed to exercise his conjugal rights. The following day he returns home, the feast being now finished. On the ninth day he

returns to the bride and stays with her for two or three nights, going back after the tenth or twelfth night to his parents' home. An elder is sent to him generally at the new moon to press him on behalf of his wife's parents to return to her. He yields to the invitation and goes to stay with her for about eight days. His visit then comes to an end, and the next visit is not made until after an interval of fourteen days. Thus he continues going backwards and forwards for about six months. Not until then does he become an habitual inmate of his wife's house if his own kampong be close at hand. "Where the [parental] homes of the young couple lie at a great distance from one another it will depend entirely on circumstances whether the man continues to be a mere occasional visitor to his wife's house or entirely exchanges the abode of his parents for that of his wife." An Achehnese daughter never really quits her parents' roof. According to their means her parents either vacate a portion of their house in favour of each daughter who marries, or add to the building or put up new houses in the same enclosure. In spite of this a stringent taboo divides the husband from his wife's family; and this taboo is only removed to some extent, and that gradually, after years of wedded life in the same house. Nor does the wife become immediately on the marriage dependent on the husband in pecuniary matters. He is required to make her a certain gift after the consummation of the marriage, and a monthly present of money amounting on the average to about four dollars. For every *bungkay* of gold (twenty-five dollars) in the wedding gift the bride is made dependent for a full year on the support

of her parents. It is only when that period expires that the husband is bound to support her beyond the monthly present just mentioned and a gift of meat at the two great Mohammedan feasts. She is then committed to the sole charge of her husband; and if her father and mother be living this is done with much formality. All the expenses of the first childbed fall upon the wife's parents, any contribution made by the husband being regarded as a voluntary gift.[1]

Among the Alfurs of Buru it is forbidden to marry in the same commune, as perhaps it was originally among the Achehnese. The rule is that the husband pays a bride-price and takes his wife away. But he is called by the name of the commune into which he has married—"dependent" of such and such a commune. His wife's family too never addresses him by name, but always by the title of "dependent." After the birth of a child he is called father of that child. The bridegroom who cannot pay nevertheless marries; but he is compelled to reside with the woman and her kin, to whom the children in such a case belong.[2] On the island of Timor the Belunese constitute all marriages by payment. The word for marriage is *haafoli*, which means to buy something. The purchase is made either on the part of the husband or on the part of the wife. If the price be paid on the wife's part, then the husband comes to live with her and the children are hers, not his; if on the husband's part the

[1] Hurgronje, i. 295, *sqq.*

[2] Wilken, *op. cit.* 707; Riedel, 22, 5. Compare the title *dependent* with that in use among the Creeks of North America (Kohler, 59 note).

converse is the case.[1] Comparison of these two cases is instructive. The Alfur practice obviously looks back to a time when the husband always came to reside with the wife's relations: the title of "dependent" given to the husband is not easily explicable in any other way. It would seem that the purchase-money paid on behalf of the Belunese bride on the contrary has arisen by analogy with the payment made by a man to obtain the right to take away his wife and to obtain full paternal authority over his children, including the reckoning of patrilineal descent.

The Káfirs of the Hindu-Kush, as has been noted in the last chapter, are a patrilineal people. A bride-price of from eight to twelve cows is exacted; but it seems not to be always paid before marriage. "Although," says Sir George Robertson, "a man may marry a woman with the full consent of all concerned, and although she may bear him children, neither she nor her children would be allowed to leave her father's house until the last penny of her price had been paid. It is not quite certain, however, if sons would not belong to the father. Daughters certainly would not. It is paying the full price which gives the man the right to take his wife to his home for her to work in the fields."[2] Among the Sunuwar of Nepal, "by Kiránti custom, if a young man runs away with a girl and is unable to pay the fine which is appointed for such cases, his children by her are regarded and may be claimed as slaves by her parents." The Kirántis, it is noted by Mr. Risley, look upon a son-in-law "rather in the light of a servant." There can be

[1] Wilken, *op. cit.* 708. Compare other customs on the island of Timor, *supra*, p. 34.

[2] Robertson, 535.

little doubt that but for the influence of Hinduism the children would have been reckoned not as slaves but as members of their mother's sept. It is at least suggestive that the proper person to demand payment of the fine is not the father of the abducted girl but her maternal uncle.[1]

Residence, temporary or permanent, on the part of the husband at the bride's home is usual in various African tribes. The custom of the Edeeyahs of Fernando Po has already been mentioned. It applies only to the first wife: the others are probably wooed in a more summary fashion. The account we have of it includes little detail; but apparently the bridegroom after the public celebration of his marriage continues to dwell with the bride in the hut adjacent to her mother's, where she has been confined throughout the previous period of service and courtship.[2] Among the Baële of the eastern Sahara the bride remains with her parents. A special hut is erected for the use of the young couple until the birth of the first child. If no child be born the father must repay the bride-price he has received and the marriage is at an end.[3] In Dar-For the bride remains a year or even two years in her parental home; and there her husband lives with her at the expense of her father. If the husband choose to contribute it is treated as a gift.[4] Among the Dinkas of the Bahr-el-Ghazal the couple remain in the father-in-law's village until a child has been born and has learned to walk. They are then permitted to return to the husband's

[1] Risley, ii. 282. [2] *Supra*, p. 23.
[3] *Ibid.* 323, 395, citing Nachtigal.
[4] *Ibid.* 395, citing El-Tounsy.

home.[1] The northern Wanyamwezi are still in the stage of motherright, but matrilineal customs are in decay elsewhere. Whether in the north or the south, however, the husband goes to dwell at his wife's home.[2] Among the Banyai on the Zambesi "when a young man takes a liking to a girl of another village and the parents have no objection to the match he is obliged to come and live at their village. He has to perform certain services for the mother-in-law, such as keeping her well supplied with firewood; and when he comes into her presence he is obliged to sit with his knees in a bent position, as putting out his feet towards the old lady would give her great offence. If he becomes tired of living in this state of vassalage and wishes to return to his own family he is obliged to leave all his children behind—they belong to his wife." But it seems that on payment of a bride-price the right to the wife and children would be transferred to the husband.[3] Among the Bambala as we have seen fatherright is beginning to supersede the older organisation. Still a man very often takes up his abode in his father-in-law's village. The father-in-law in fact assumes in his life importance paramount even over his own father, and he will fight for him and his village against his own.[4] Among the Hottentots women were treated with high respect. The

[1] *J. A I.* xxxiv. 151.

[2] Burton, *Lake Regions*, ii. 24. Sir H. H. Johnston (*Brit. Cent. Afr.* 413, 415, 412) reports the custom of the husband's going to live at the wife's village as characteristic of the Atonga and generally of the tribes of Southern Nyassaland, except the Wankonde, though marriage by capture is by no means unknown.

[3] Livingstone, *Miss. Trav.* 622.

[4] *J. A. I.* xxxv. 410, 399.

most binding oath a man could take was by his eldest sister; his wife ruled supreme in his house; and she possessed her own separate property. The first years of married life were spent by her husband in his father-in-law's service; he was the old man's companion in the hunting-field and in war.[1] So a Bushman was compelled to accompany his wife's parents everywhere and to provide them with game; nor in very many cases did the marriage last longer than this obligation was fulfilled.[2]

In South America, the Bakaïrí of Central Brazil are in the stage of motherright, though the dignity of chief tends to male descent. Ordinarily marriage is negotiated by the parents of the young couple; the bride's father is presented with a stone axe and with arrows; the bridegroom works with him in his clearing, and hangs his hammock in the hut above the bride's. Without more ado the pair are regarded as man and wife. As little ceremony is there in a divorce, which takes place at the will of the wife even though the husband be opposed to it; probably he has an equal privilege. Polygamy is not unknown, at all events among the portion of the tribe living in Kulisehu valley; but it is not customary to have more than one wife in the same village. A recent traveller was assured that a man could without interfering with the good understanding between himself and his first wife's relations take another wife in a neighbouring place; and if he visited her for a change quite commonly his first wife, either with or without her relations, would accompany him. On the death

[1] Hahn, 18.

[2] Merensky, 68; Post, *Afr. Jur.* i. 379; Fritsch, 445.

of the wife the widower is bound to marry her sister, if one be eligible. A close bond unites the children with their maternal uncle.[1] Among the Indians of the Paraguayan Chaco a youth desirous to wed sends a friend to the young lady's hut. At midnight "he enters noiselessly, seats himself beside the sleeping-place, smokes for an hour or two, and then retires as discreetly as he came, without having spoken one word. After two or three of these nocturnal visits the father demands in a brutal tone of voice what business he has to be in his house at such a late hour. The intruder explains the object of his visit, and the father and mother, after having assured themselves that their future son-in-law will be a good warrior, and that he will not beat his wife too much, &c., give their consent, and without further formality the marriage is concluded. The husband almost invariably attaches himself to his wife's family, but it is not an unknown thing for his parents, especially his mother, to bring such influence to bear upon him that he will leave his newly wedded wife, and return to his own home, eventually arranging with his wife to spend one half of his time at her village and for her to join him for the other half at his own. The custom of pretending to carry off the bride by force is sometimes practised, and may at one time have been more general."[2]

In British Guiana the Arawaks are exogamous and trace descent exclusively through the mother.

[1] Von den Steinen, 331; Schmidt, *Indianerstudien*, 437. On the Araguaya a river the Carajá youth builds a separate hut for his bride; but if he wed a lady from another village he leaves his own and takes up his abode in her village. I gather that the Carajá are matrilineal (*Globus*, xciv. 237).

[2] Grubb, 61.

Children are often betrothed early. But when the boy comes to the age of marriage he may repudiate the contract and choose for himself on undergoing certain tests of courage and endurance. A bride-price is paid, or the bride is given in requital for some service done to her parents. "The marriage once arranged, the husband immediately transports his possessions to the house of his father-in-law, and there he lives and works. The head of his family, for whom he is bound to work and whom he obeys, is not his own father but his wife's. A complete and final separation between husband and wife may be made at the will of the former at any time before the birth of children; after that, if the husband goes away, as very rarely happens, it is considered not lawful separation, but desertion. When the family of the young couple become too large to be conveniently housed underneath the roof of the father-in-law, the young husband builds a house for himself by the side of that of his wife's father; and to this habit is probably due the formation of settlements. And when the head dies, it being uncanny to live where a man has died, the various house-fathers of the settlement separate and build houses for themselves, each of which in its turn forms the nucleus of a new settlement."[1] This practice, it is obvious, might easily develop into fatherright. The Macusis and other Carib tribes of Guiana marry in the same way; and a married woman does not escape by marriage from subjection to her own family, who continue to claim authority over her.[2] Arawâk stories illustrate

[1] im Thurn, 186, 221.

[2] *Ibid.* 222; Brett, 353. A Macusi marriage is consummated in the wife's village *coram populo* (im Thurn, *loc. cit.*).

this social condition. The Demaréna, one of the Arawâk clans, trace their descent from a girl, the daughter of a mythical people who dwelt below the earth. A young man fell in love with her, and was only allowed to marry her on condition of going down to share his bride's home and join her family. The descendants of this pair have *connubium* only with the clan of the young man in question, namely the Koro-bohána, whose totem seems to be a species of parrot,[1] a custom pointing perhaps to an older rule of acquiring brides by exchange. Another story does not relate the origin of a clan; but it is one of a "great chain of legends" accounting for the peculiarities of the various animals of the country, and is therefore part of the ancient myth-store of the aborigines. It belongs to a cycle of tales known all over the world. A beautiful royal vulture, so it runs, was once captured by a bold hunter. She was the daughter of Anuanima, sovereign of a race whose country is above the sky, and who cease there to be birds and assume human form and habits. Smitten with love for the hunter his captive laid aside her feathers and exhibited her true form—that of a beautiful girl. "She becomes his wife, bears him above the clouds, and after much trouble persuades her father and family to receive him. All then goes well until he expresses a wish to visit his aged mother, when they discard him." After great difficulties he reaches his home in safety. Then follow his efforts to regain his wife whom he tenderly loves. With the assistance of the birds, whose forces he commands, he invades his wife's country above the sky, where "he is at last slain by a valiant young warrior resembling

[1] Brett, *Legends*, .178.

himself in person and features. It is his own son, born after his expulsion from the upper regions, and brought up there in ignorance of his father."[1] In this as in the previous saga, we find the rule definitely insisted on that the husband must reside with the wife's kin, or the marriage will be brought to an end. Here too father and son take different sides in a war between their respective clans: an example of the Father-and-son combat mentioned in the last chapter.

We have already seen that the Algonquian nations were when Charlevoix wrote in the stage of mother-right. From what he says we gather that the young husband lived with his wife for some time in the cabin of her parents, and that it was then his duty to supply them with the produce of his hunting. Among the Iroquois the wife never left the parental home, because she was considered the mistress, or at least the heiress. Among other nations, however, after a year or two of marriage the husband took her to his parents' home. If this were not done the husband built a house for her and himself. In the house all the duties fell on the young wife, who was moreover required in case of need to look after her parents: this points to residence with or near them. "Some nations," the Jesuit Father tells us, "have wives everywhere where they sojourn for any period when hunting: and I have been assured that this abuse has been introduced for some time among the Huron-speaking peoples, who had always been contented with one wife. But a much greater disorder reigns in the Iroquois canton of Tsononthouan, namely, the plurality of husbands." Some of the Algonquian nations had a

[1] Brett, *Legends*, 29.

custom by which if there were more than one sister in a family the husband of one took them all. This does not appear to have been the case with the Hurons and Iroquois; but even among them if the sister first married died the husband was obliged to marry a surviving sister, or if there were none some other wife provided by the family of the deceased, unless he wished to expose himself to insults from the rejected lady. On the other hand if a husband died without children his brother had to supply his place. Marriages were negotiated by the parents, and the matrons took the lead. The parties most concerned were indeed consulted, but their consent was a mere formality. In some places the girls were by no means in a hurry to marry, because they had full liberty in their amours, and marriage only changed their condition to render it harder. The marriage ceremony was simple. The suitor was required to make presents to the lady's family. He sought private interviews at night with her. In some places it was enough if he went and sat by her side in her cabin; if she permitted this and remained where she was it was taken for consent, and the act sufficed for the marriage. If husband and wife could not agree, they parted, or two pairs would exchange husbands and wives. An early French missionary who remonstrated with a native on such a transaction was told: "My wife and I could not agree. My neighbour was in the same case. So we exchanged wives, and we are all four content. What can be more reasonable than to render one another mutually happy, when it costs so little, and does no harm to any one."[1]

[1] Charlevoix, v. 418 *sqq.*

The Senecas, an Iroquoian tribe, dwelt in long-houses which accommodated sometimes, as many as twenty families, each in its own apartment. "As to their family system," writes a missionary, "when occupying the old long-houses it is probable that some one clan predominated, the women taking in husbands, however, from the other clans: and sometimes for a novelty some of the sons bringing in their young wives until they felt brave enough to leave their mothers. Usually the female portion ruled the house, and were doubtless clannish enough about it. The stores were in common; but woe to the luckless husband or lover who was too shiftless to do his share of the providing. No matter how many children, or whatever goods he might have in the house, he might at any time be ordered to pick up his blanket and budge; and after such orders it would not be healthful for him to attempt to disobey; the house would be too hot for him; and unless saved by the intercession of some aunt or grandmother, he must retreat to his own clan, or as was often done, go and start a new matrimonial alliance in some other."[1] The Wyandots, another Iroquoian tribe, camp in the form of a horse-shoe, every clan together in a regular order. Marriage between members of the same clan is forbidden, and children belong to the clan of the mother. "Husbands," we are told, "retain all their rights and privileges in their own *gentes*, though they live with the *gentes* of their wives." On betrothal the bridegroom makes presents to the bride's mother. After marriage the pair live for a short time at least with the bride's mother in her household,

[1] Morgan, *Contrib. N. Am. Ethn.* iv. 65.

but after awhile they "set up housekeeping for themselves," always of course in that part of the encampment occupied by the wife's clan.[1] The Musquakies, though belonging to the Algonquian stock and organised in clans, no longer reckon descent through the mother. A Musquaki youth having chosen a lady generally his senior by several years, negotiations for the marriage are opened by his mother with the mother of his beloved. If the preliminaries be satisfactory a course of courtship follows involving the exhibition of considerable endurance by both parties. At length he is admitted to his future mother-in-law's presence. She hands him a platter of food, and while he is eating it she haggles with him over the presents she is to receive. When the bargain is made she and her husband dress him in a new suit of clothes and take him round to present him formally to all the friends and relatives of both sides. The next day the wedding ceremony takes place, commencing by the delivery of his presents to his mother-in-law. He then enters the wigwam on the invitation of his father-in-law, where the bride prepares a little bowl of gruel for him. After eating it he leads her with some little endearments to a roll of blankets, where they sit the rest of the day while friends visit the hut. The marriage is then complete. The bridegroom "lives with his wife's people, but this does not make him or his children of her clan—of her people's clan, that is, for she henceforth belongs to his till death or divorce separates her from him. As for his children, his death or divorce gives the minors to the maternal grandmother's clan; but those who have had the puberty feast still belong

[1] Powell, *Rep. Bur. Ethn.* i. 63.

to his."[1] The last detail is noteworthy: children not yet enfranchised from infancy remain to the maternal clan.

The Cherokee bridegroom went to live with his bride. The house belonged to her or her mother, and if dissatisfied with him they could drive him away.[2] The Seminoles of Florida reckon descent through the mother. Marriage within the clan is prohibited. The consent of the girl and her kindred is required. When that is given the female relatives of the bridegroom contribute the simple bedding required by the young pair, and he receives in return a wedding costume consisting of a newly made shirt. Clad in this he goes at sunset of the appointed day to his mother-in-law's home, where he is received by the bride and henceforth is her husband. He dwells there until he and his bride set up an independent home, either at the wife's camp or elsewhere except (and this is important) among the husband's relatives. Divorce is easy. "The husband, no longer satisfied with his wife, leaves her; she returns to her family and the matter is ended. . . . In fact, marriage among these Indians seems to be but the natural mating of the sexes, to cease at the option of either of the interested parties." The writer from whom I quote adds: "Although I do not know that the wife may lawfully desert her husband, as well as the husband his wife,

[1] Owen, *F. L. Musq.* 72. The detailed account of the negotiations and courtship is most entertaining, but too long to quote.

[2] This is clear from the tales, *Rep. Bur. Ethn.* xix. 292, 338, 339, 345. As to the Natchez, see Charlevoix, vi. 182, 184. He does not expressly say, but I think it is to be inferred, that the husbands usually went to reside in their wives' dwellings. They were matrilineal.

from some facts I learned I think it probable that she may."[1]

Many of the Indians of the plains have passed into the stage of fatherright. Traces however of the older organisation are frequently to be found. Among the various stocks of the Pawnee the husband goes to reside in his father-in-law's hut. The morals of the Wichita maiden were the subject of much concern by her parents and relatives. In the choice of a husband she was supposed to take no part. The parents of the youthful pair arranged the matter, the first advance coming sometimes from the one side, sometimes from the other. The young man then went to the girl's lodge in the evening. If her parents still favoured him, he remained and was recognised as her husband. In case of unfaithfulness on the wife's part she was beaten with a stick by her father—not apparently by her husband. If on the other hand her parents at any time changed their mind with regard to their son-in-law, he was simply sent home : this constituted divorce. While he remained his duty was to watch over the property of the family and to provide food. On his fulfilment of these requirements rested his claim for favour with his wife's parents—in other words, the continuance of the marriage.[2] To these customs the mythological and other tales bear abundant witness. Here too we find the marriage of one man to a band of sisters.[3] Such marriages are common with the Kiowa of the Southern Plains. The husband generally

[1] Maccauley, *Rep. Bur. Ethn.* v. 496, 508.

[2] Dorsey, *Myth. Wichita*, 9. Compare (among others) the customs of the Senecas (p. 67) and the Bushmen (p. 61).

[3] Dorsey, *Skidi Pawnee*, 141, 229, 325; *Pawnee Myth.* i. 166, 196, 254, 283, 287, 359, 371, 424; *Myth. Wichita*, 83, 173, 268.

goes on marriage to live among his wife's people in their camp, and he who marries the eldest daughter has the first claim upon her sisters. As the marriageable age for girls was fourteen he presumably takes the younger sisters, if he so please, as they grow up. It would seem however that the girl is always consulted. Her brother's voice is powerful in the family council on the subject of her marriage, and even after that event he continues to claim a sort of guardianship over her. These customs are evidence of the former existence of motherright, which is now unknown.[1] At the same time the reckoning of patrilineal kinship is ensured by their obvious tendency to vest the ultimate headship of the family in the husband. The Dakota the Kansas and other Siouan tribes follow similar customs.[2]

The Pueblo peoples of the south-west of the United States are among the most interesting of the aboriginal tribes of North America. They inhabit clustered dwellings tier above tier along terraces ledges and the brows of the bare flat-topped hills, called *mesas*, characteristic of that arid region. Invariably they are organised in exogamous totem-clans. Invariably they reckon kinship through females, and the husband on marriage goes to live with the wife's kin and becomes an inmate of her family. If the house be not large enough, additional rooms are built adjoining and connected with those already occupied. Hence a family with many daughters increases, while one consisting of sons dies out. The women are the builders, the men supplying

1 Mooney, *Rep. Bur. Ethn.* xvii. 232.

2 Riggs, *Dakota Gram.* 205; Dorsey, *Rep. Bur. Ethn.* xv. 232.

the material and doing the heavy work.[1] When a Zuñi girl has come to an understanding with a young man, and her parents are willing, she takes him home. Bidden by her mother she offers him food. While he eats it her parents sit on one side and talk to him about the duties of a husband to his wife. When he has finished the father calls him to them and further admonishes him to work hard, watch the sheep, help to cut the wood and to plant and cut the grain for the household; the mother adding a recommendation to be kind and good to his wife. He remains at the house for five nights, sleeping alone outside the general living room where the family sleep, and working for them during the daytime. On the sixth morning he goes to his parents' home and discloses to them where he has been and his intended match. If they be pleased his mother gives him a dress for the bride. The bride in return grinds some flour and the following day accompanied by the bridegroom takes it in a basket on her head as a present to her mother-in-law. The latter offers food to the girl, who eats ceremonially a few mouthfuls. Her father-in-law gives her a deerskin for moccasins, and her mother-in-law fills with wheat the basket she has brought. The young pair then return to the girl's house, which they make their permanent home; but they do not sleep inside the living room for a year, or until the birth of the first child—a relic, we may conjecture, of secret cohabitation. The Zuñi are monogamists; but divorce is quite common. "They would rather separate," says Mrs. Stevenson, "than

[1] Mindeleff, *Rep. Bur. Ethn.* xiii. 197; Cushing, *Ibid.* 368; Hewett, *Am. Anthr.* N.S. vi. 634; Fewkes, *Id.* i. 269.

live together inharmoniously." She bears emphatic testimony, however, to the happiness of a Zuñi household. "The domestic life of the Zuñis, "she says, "might well serve as an example for the civilised world. . . . The Zuñis do not have large families, and the members are deeply attached to one another. The writer has found great enjoyment in her visits to the general living room in the early evening after the day's labours were over and before the elders were called away to their fraternities or elsewhere. The young mothers would be seen caring for their infants, or perhaps the fathers would be fondling them, for the Zuñi men are very devoted to their children, especially the babies. The grandmother would have one of the younger children in her lap, with perhaps the head of another resting against her shoulder, while the rest would be sitting near or busying themselves about household matters. When a story was told by the grandfather or some younger member of the group, intense interest would be depicted on the faces of all old enough to appreciate the recital. The Zuñi child is rarely disobedient, and the writer has known but one parent strike a child or use harsh words with it. The children play through the livelong day without a quarrel."[1] The keynote of this harmony is the supremacy of the wife in the home. The house, with all that is in it, is hers, descending to her through her mother from a long line of ancestresses; and her husband is merely her permanent guest. The children—at least the female children—have their share in the common home: the father has none. Like all the Pueblo peoples the Zuñi are above the stage of

[1] *Rep. Bur. Ethn.* xxiii. 304, 293.

savagery. To them the cultivation of the soil is not unknown; and their religious rites attest the importance of agriculture in their economy. Probably in earlier times the husband had no possessory interest in the fields, and the crops which he is exhorted in the marriage ritual to tend and gather belonged to his wife and her family. Even yet the little gardens immediately about the village are owned and tended exclusively by the women and descend from daughter to daughter. But modern influences have reached Zuñi; a man is now capable of owning something more than his horses and donkeys and his weapons and personal adornments. If he be at marriage possessed of any land its produce is brought into the common stock for the support of the home; and on the death of the owner his children, boys and girls, share his property. Motherright has begun its inevitable decay.[1]

The Hopis are more conservative. With them the women still own not only merely the houses but the crops, the sheep and the peach-orchards, everything in fact relating to the economy of the household but the beasts of burden. This is an interesting testimony to the antiquity of the custom. The horses and donkeys were unknown before the coming of the white man. They are a new acquisition, and their service lightens the labour that falls upon the men. Peaches, wheat and sheep were also the gifts of the Spanish missionaries. But the Pueblo peoples were already tillers of the soil when the missionaries came among them. To this day they plant and irrigate, they hoe and gather their peach-trees and crops much as they

[1] Cushing, *Id.* xiii. 365; Mrs. Stevenson, *Id.* xxiii. 290.

anciently planted and watered their own maize. The objects of cultivation—not the method—have changed. Similarly they were already herdsmen when sheep and goats were introduced. Flocks of turkeys were kept for food and for clothing Mr. Cushing tells us that when he "first went to live with the Zuñis their sheep were plucked, not sheared, with flat strips of band iron in place of the bone *spatulæ* originally used in plucking turkeys; and the herders always scrupulously picked up stray pieces of wool—calling it 'down,' not hair, nor fur—and spinning it, knitting too at their long woollen leggings as they followed their sheep, all as their forefathers used ever to pick up and twirl the stray feathers and knit at their down kilts and tunics as they followed and herded their turkeys."[1]

The Hopis, like the Zuñis, are monogamists. The lady exercises the right of choosing her husband. It is she who must "pop the question;" or if she be too shy, her relatives (by preference her mother) open the negotiations. Often these negotiations are preceded by intercourse of so intimate a kind that the results can no longer be concealed. Such conduct detracts in no way from her good repute if it lead to marriage. Even if it do not, and if she give birth to a child, she will be sure to marry later on unless she happen to be shockingly ugly. Nor does the child suffer, for among these matrilineal peoples the bastard takes an equal place with the child born in wedlock. When all things are arranged the girl goes to the house of her future husband and remains there some weeks. For three days she works for the family. On the fourth the wedding ceremony is performed by the bride-

[1] *Rep. Bur. Ethn.* xiii. 340.

groom's mother. It consists in taking down the bride's hair, worn until that moment in maiden-fashion, washing it and then dressing it as worn by a married woman. Other rites follow which need not detain us. The subsequent weeks are occupied by the bridegroom's family in the preparation of the bride's wedding outfit, which is a gift from them. Finally she returns, arrayed in a part of the trousseau and laden with the rest, ceremonially in procession accompanied by a number of her friends to her mother's house. She pays compensation to the bridegroom's family, consisting usually of maize-flour in such quantity that the labour of grinding it may occupy her for weeks after her return. The bridegroom takes up his abode in her home with her family, in any case to remain there for the first few years of marriage, until he and his bride can obtain a separate dwelling. Yet he is a stranger there, and is often treated as a stranger by his wife's kin. The dwelling of his own family remains his proper home. In sickness he returns to his mother, and stays with her until well again. Often his position is so unpleasant that he breaks off all his relations with his wife and family, and goes back to his own home. On the other hand, the wife sometimes, when her husband is away from the house, lays all his goods outside the door: an intimation, which he well understands, not to intrude himself upon her again.[1]

Lastly among Pueblo peoples let us consider the matrimonial institutions of the Sia. Like all the others they are divided into exogamous totem-clans descend-

[1] O. Solberg, *Zeits. f. Ethnol.* xxxvii. 629. *Cf.* Bourke, *Snake-dance*, 135; Voth, *Traditions of the Hopi*, 67, 96, 133.

ible through women only. But from various causes the once populous pueblo of Sia has lost the greater part of its inhabitants, whole clans have become extinct, and the tribe is in imminent danger of dying out. In these circumstances the rule of exogamy has ceased to be strictly enforced. It is suggested indeed that the desire for increase of numbers has caused a general dissolution of manners. This is a question which does not concern us in this place. The Sia are at least nominally monogamous. When a young man desires to marry a girl he speaks first to her parents. If they are willing he addresses himself to her. The day of marriage having arrived he goes alone to her home carrying his gifts for her wrapped up in a blanket, his father and mother having preceded him thither. When the young couple are seated together the parents address them in turn enjoining unity and forbearance. This constitutes the ceremony. A feast is then given to the friends. Tribal custom requires the bridegroom to reside with his wife's family, the couple sleeping in the general living room with the remainder of the family.[1]

The Eskimo of Cumberland Sound and Davis Strait are generally betrothed when very young; but in any case when the time for marriage comes the bride must be bought from her parents by some present. The bridegroom goes to reside with his wife's parents and must help to maintain them. If belonging to a strange tribe he must join that of his wife. Not until after both his parents-in-law are dead is he entirely master of his own actions. The consent

[1] *Rep. Bur. Ethn.* xi. 19. There are some cases it would seem in which the husband has after a time provided a separate house.

of the bride's parents, or if they are dead that of her brothers, is always necessary to the marriage. Divorce is easy : the slightest pretext is sufficient for a separation, and the wife's mother can always command a divorce. Either party can then re-marry.[1] A similar account is given of the connubial customs of the Eskimo of Northern Alaska.[2]

Turning to the Pacific slope of North America let us first examine the relative positions of man and woman and the marital relations among the Seri of the Californian Gulf. They are the wildest and fiercest of all the aboriginal inhabitants of the continent, and among the lowest of known peoples in the entire world. The island of Tiburon, the centre and citadel of the tribe, has never been visited by any competent explorer who has succeeded in coming in contact with the people. It was visited in December 1896 by a scientific party under the leadership of Dr. W. J. McGee, but the natives had fled to their fastnesses and could not be drawn forth. Our information about them is derived from Dr. McGee's report, based on observation of members of the tribe on the mainland, which is Mexican territory, and the statements of interpreters and officials of that rugged and forbidding tract of country. The indigenous name of the tribe is *Kunkáak* apparently meaning womanhood, or more probably motherhood. Men count for comparatively little among this strange people. Their organisation is strictly maternal. "The tribe is made up of clans defined by consanguinity reckoned only in the female line. Each

[1] Boas, *Rep. Bur. Ethn.* vi. 578.

[2] Murdoch, *Id.* ix. 410. A slightly different account is given of the more southerly Eskimo, Nelson, *Id.* xviii. 291.

clan is headed by an elder-woman, and comprises a hierarchy of daughters granddaughters and (sometimes) great-granddaughters, collectively incarnating that purity of uncontaminated blood which is the pride of the tribe. And this female element is supplemented by a masculine element in the persons of brothers, who may be war-chiefs or shamans, and may hence dominate the movements of groups, but whose blood counts as nothing in the establishment and maintenance of the clan organisation."[1] Their dwellings are the rudest shelters that can be called huts. Such as they are they are erected by the matrons without help from the men or boys. "The house and its contents belong exclusively to the matron, though her brothers are entitled to places within it whenever they wish; while the husband has neither title nor fixed place, 'because he belongs to another house'—though as a matter of fact he is frequently at or in the hut of his spouse, where he normally occupies the outermost place in the group and acts as a sort of outer guard or sentinel." "Moreover, his connection with the house is veiled by the absence of authority over both children and domestic affairs, though he exercises such authority freely (within the customary limits) in the *jacales* (huts) of his female relatives."[2] The matrons participate in what may be called legislative and judicial functions; many of them are shamans of repute; and they are more reverenced than any men. At the same time the executive power of the family resides in the mother's brothers in order of seniority, though it seems to be exercisable only through or in conjunction with her.

[1] McGee, *Rep. Bur. Ethn.* xvii. 168*.
[2] *Ibid.* 269*, 272*.

There are no old men. Their absence is said to be due to the militant habits of the tribe: the hardships of the chase may help to kill them off. Whatever the cause of the absence, its result is that even the beginnings of patriarchal rule are impossible. The chieftainship of a band is determined by the consideration of three factors: the seniority of the candidate's clan in the tribal mythology, its numerical strength, and his personal prowess, which is "always weighed in conjunction with the shamanistic potency" of his consort or consorts. "Yet he is a throneless and even homeless potentate, sojourning like the rest of his fellows in such *jacales* as his two or three or four wives may erect, wandering with season and sisterly whim, chased often by rumours of invasion or by fearsome dreams, and restrained by convention even from chiding his own children in his wives' *jacales* save through the intervention of female relatives."[1]

The Seri are divided into exogamous totem-clans. The proposal for marriage is formally conveyed by the elderwoman of the suitor's family to the girl's clan-mother. If entertained by her and her daughter-matrons it is discussed at length by the matrons of the two clans involved. The girl herself is consulted; a *jacal* is erected for her; and after many deliberations a year's probation of the most exacting character is arranged for the favoured gallant. He leaves his clan and attaches himself to that of his bride. He is admitted to her hut. He "shares the *jacal* and sleeping-robe provided for the prospective matron by her kinswomen, not as privileged spouse, but merely as a

[1] McGee, *Rep. Bur. Ethn* xvii. 275*.

protecting companion; and throughout this probationary term he is compelled to maintain continence—*i.e.*, he must display the most indubitable proof of moral force. During this period the always dignified position occupied by the daughter of the family culminates; she is the observed of all observers, the subject of gossip among matrons and warriors alike, the recipient of frequent tokens from designing sisters with an eye to shares of her spouse's spoils, and the receiver of material supplies measuring the competence of the would-be husband. Through his energy she is enabled to dispense largess with lavish hand, and thus to dignify her clan and honour her spouse in the most effective way known to primitive life; and at the same time she enjoys the immeasurable moral stimulus of realising that she is the arbiter of the fate of a man who becomes warrior or outcast at her bidding, and through him of the future of two clans—*i.e.*, she is raised to a responsibility in both personal and tribal affairs which, albeit temporary, is hardly lower than that of the warrior-chief. In tribal theory the moral test measures the character of the man; in very fact it at the same time both measures and makes the character of the woman. Among other privileges bestowed on the bride during the probationary period are those of receiving the most intimate attentions from the clan-fellows of the groom; and these are noteworthy as suggestions of a vestigial polyandry or adelphogamy [?]. At the close of the year the probation ends in a feast provided by the probationer, who thereupon enters the bride's *jacal* as a perpetual guest of unlimited personal privileges (subject to tribal custom); while the bride passes from a half-wanton

heyday into the duller routine of matronly existence."[1] Thus among the Seri the husband takes a permanent place in the wife's hut with her family, but as a wholly subordinate personage, without any authority whatever. In his mother's hut he has rights; and if I understand Dr. McGee correctly he may continue to have and exercise them, notwithstanding his marriage. But in his wife's hut he has none. Perhaps it is well that sometimes he is not without a place of refuge. Comparison with the institutions of the Hopi and other Pueblo tribes is obvious.

The Maidu of California lived in village communities; the clan-organisation and motherright were unknown. The former existence of motherright may however be inferred from their customs. In the Sacramento Valley, among the Northern Maidu the girl's consent was always necessary to marriage and was generally secured by the suitor before he addressed himself to her family. When the marriage was arranged, if she belonged to his own village the husband usually went to live with his wife's family. If she belonged to another village she came to live with him. But in the latter case the pair would often pay a long visit to her family about six months afterwards, and for a period of some months at least the husband hunted and fished for his wife's family. The mutual avoidance of mother-in-law and son-in-law was enforced. In the foot-hills on the other hand the girl had little or no choice: the suitor settled the matter with her parents. When he had paid the price agreed on he came to the house and lived there with her until she was old enough to manage a house herself, if she had

[1] McGee, *Rep. Bur. Ethn.* xvii. 279*.

been married very young, or until he could provide a house for her. Among the North-Eastern Maidu the suitor pays no bride-price. He comes to the house, and if the girl permit him to sleep with her the marriage takes effect at once. He thereupon begins hunting for the parents, and remains living with them for some months. Then he takes her to his father's house, where they live thenceforth unless the husband be able to build a new house for himself. For two or three years however he and his wife make visits of a week or two in length to her parents, and while there the husband hunts for them. A simple agreement to separate constitutes a divorce. The husband of one sister has the first right to the others; if he does not avail himself of it it passes to any brother he may have.[1]

The Takelma of South-western Oregon pay a bride-price and take the bride to her husband's house. But the payment of the bride-price does not exhaust the husband's indebtedness to his father-in-law. From time to time he will load his canoe with presents of dried salmon or the like and go with his wife, though it may be a considerable distance, for a visit to her parents. And after the birth of the first child an additional price, regarded as equivalent to buying the child, is paid to the wife's father, in the shape of a deerskin-sack filled with Indian money.[2] The Hupa also exacted a bride-price; the bride went to live in her husband's home, and the children belonged to him. But if a man were unable to pay so large a sum as was usual he might pay half and go to the bride's home.

[1] Dixon, *Bull. Am. Mus. N. H.* xvii. 239.
[2] E. Sapir, *Am. Anthr.* N. S. ix. 275.

In that case he would have to serve his father-in-law and all offspring of the union would belong to the wife's people.[1] This custom was not unknown among other Californian tribes, such as the Yurok and Patawāt, and was called *half-marriage*. Among the Lolsel, a branch of the Patwīn, "a bride often remains in her father's house and her husband comes to live with her, whereupon half the purchase-money is returned to him." Mr. Powers, who reports these cases, omits to tell us what is the effect of the arrangement upon the reckoning of descent. Among the Yokuts "a man marrying goes to live at his wife's or father-in law's house, though he still has power of life or death over her person."[2] The Spokanes are divided into a number of small bands. A girl is at liberty to make an offer of marriage if she wish; and in any case her consent is required as well as that of her parents and the chief. The husband joins the band to which his wife belongs, because, it is said, she can work better in a country to which she is accustomed. Women are held in great respect; all the household goods are considered the wife's property. Either party may dissolve the marriage at will, but the children go with the mother. The man who marries the eldest daughter of a family is entitled to all the rest; and parents make no objection to his turning off one in another's favour.[3]

[1] Goddard, *Hupa*, 55.

[2] Powers, 56, 98, 221, 382. I infer with some doubt from the husband's power, from the fact that the chieftainship descends from father to son, and from the value placed on virginity, that the Yokuts were patrilineal. If so, the husband's residence in the wife's house was a relic of motherright.

[3] Bancroft, i. 315, 277, 278 note. Bancroft uses the word *tribe*,

In the last chapter we considered some aspects of the social organisation of the Haida of Queen Charlotte Islands. They are still in the stage of motherright. The wife is the head of the household. She transmits her name and family crest to her children, though fatherright has so far made inroad upon the older organisation that the descent of property has become paternal. There are two kinds of marriage. One is an informal marriage, in which the lover simply goes to the girl's house and spends the night with her. They are found together in the morning and continue to live together as man and wife. The other kind of marriage is arranged when one or both of the parties are quite young. The boy goes after puberty to live at his mother-in-law's house until the time for actual marriage arrives, and works for her family. A feast and formal exchange of gifts then take place at the bride's house, and she is brought by the bridegroom's family to his maternal uncle's house, where his proper home is.[1] The former kind of marriage is often practised where for any reason the latter is delayed, as where the husband has been betrothed to a mere child and has to wait for her until she has grown up. In such a case he is expected to put an end to the informal marriage on wedding his previously betrothed bride; and his mother-in-law looks sharply after the morals of the man who is formally married to her daughter and exacts a large amount of property from

but comparison of his statement and citations with his general account of the Spokanes renders it clear that *band* is what is meant; I suspect the bands are exogamous.

[1] Swanton, *Jesup Exped.* v. 50; Deans, *Hidery*, 20, 23. *Cf.* *ante*, vol. i. p. 296.

him in case of infidelity to his wife. Her vigilance implies residence after marriage with her or in her neighbourhood. In the traditional stories, residence with the wife's kin is very common, if not usual.[1] It would seem therefore that it was the former practice. Probably it still is, even in case of formal marriage. The Haida are divided into two exogamous clans. These clans are subdivided into families, settled in towns, each town being inhabited by several families generally belonging to both clans. Certain special families and towns are in the habit of intermarrying. The daughter of a man's maternal uncle therefore might be the wife who would ordinarily be chosen for him;[2] and in many cases he might reside at his uncle's house or town in the double capacity of nephew and son-in-law. Thus, even though he had gone through the ceremony of formal marriage there would be no removal of the bride, at least from her father's town and perhaps not from his house. On the whole, however, an examination of the traditions and practice of the Haida and of the neighbouring peoples of British Columbia mentioned in the following pages gives ground for the conclusion that the formal marriage is a comparatively recent innovation on the original custom, namely, that of the informal marriage, and is part of the social evolution already in progress before the white man came upon the scene.

The marriage customs of the Stlatlumh of British

[1] Swanton, *op. cit.* 223, 236, 249, &c.

[2] This is borne out by traditional tales. Indeed, according to a tradition of the Masset Haida a man had an indefeasible claim on his uncle's daughter, and took care to exercise it (Swanton, x. *op. cit.*, 654. *cf.* 717, 719).

Columbia differ among the upper and lower classes. A chief or a notable took his bride home or had her brought to him. With the other classes the accepted suitor made the formal offering of firewood to his prospective father-in-law. This signified that he was subject to the latter. It placed him in the position of "younger" man whether he was actually so or not; and among all the Salish tribes age, real or imputed, confers authority. On entering the house "he is made welcome and invited to sit down with the family alongside of his bride. It is this formal inclusion in the family circle of the bride that constitutes the marriage." The bridegroom stays there at least four days, and then is free to go or stay as he chooses. Sometimes he continues to live in the family of his father-in-law. Mr. Hill-Tout, whose report I am quoting, adds: "This inclusion of the son-in-law within the family circle gives him all the rights of sonship and his offspring are regarded as belonging to his wife's family just as much as to his own. This and other customs would seem to point to an earlier social organisation, to a time when [motherright] prevailed," though now the kin is reckoned on both sides. The eldest daughter was always the first to marry, and her husband usually married all her sisters.[1] The

[1] Hill-Tout, *J. A. I.* xxxv. 131. Mr. Hill-Tout writes mainly of the branch of the tribe occupying the upper reaches of the Lillooet Valley. His opinion just quoted seems to be confirmed by another investigator, who deals more particularly with a branch of the tribe seated further down the Lillooet River. He says: "Generally the wife followed the husband to his village, although cases in which the husband lived with the wife's clan are very common, and may have been the rule, at least among the Lower Lillooet" (Teit, *Jesup Exped.* ii. 255).

Kwakiutl, also a Salish tribe, likewise reckon the kin on both sides. Prof. Boas describes their marriage customs as "of peculiar interest on account of the transition from maternal to paternal institutions that may be observed here." The suitor pays for his bride in blankets by two instalments, namely, one half at once and the remainder in three months. After payment of the second instalment he is allowed to live with his bride in her father's house. He gives a feast to the whole tribe, during which his father-in-law returns him a part of the bride-price and fixes a time when he will return the rest. The Kwakiutl are among the tribes of British Columbia famous for their lavish gifts. The *potlatch*, a byword of extravagance, is "the custom of paying debts and of acquiring distinction by means of giving a great feast and making presents to all the guests. . . The foundation of the custom is the solidarity of the individual and the *gens*, or even the tribe, to which he belongs. If an individual gains social distinction his *gens* participates in it. If he loses in respect the stain rests also on the *gens*. Therefore the *gens* contributes to the payments to be made at a festival. If the feast is given to foreign tribes the whole tribe contributes to these payments." During the wedding feast the young wife demands for her husband her father's carvings and dances. These are his crest and privileges. The father is obliged to give them, though they are not actually given at the time. In fact they are only descendible in this way, and the bargain for a wife includes the privileges and crest, which are thus acquired not for the son-in-law himself but for his successor. Moreover the son-in-law buys not merely the possession of the girl but the

right of membership in her clan for their future children. He continues to live in his father-in-law's family for three months, and then makes a further payment of a hundred blankets for the right to take his wife home. When the father-in-law has repaid the whole of the bride-price with interest he has redeemed his daughter, and the marriage is annulled. She may afterwards, however, remain with her husband of her own free will, or he may make a new payment in order to continue his claim upon her.[1] The Kwakiutl traditions are quite familiar with the residence of the son-in-law in the house of his wife's father, and reflect the customs of a period when the choice of a husband rested largely with the bride, and when marriages were made, as among the Haida and various other American tribes, by sleeping together at night followed by discovery on the part of the bride's family in the morning and a formal ackowledgment of the relationship.[2] The elaborate ceremonial incident to a present-day marriage, and the purchase and re-purchase of the bride and her father's crest and privileges are probably comparatively recent. They have not succeeded in obliterating all trace of an older and simpler practice, which is still perfectly well understood as preserved in the tribal tales.

Like the two last-mentioned tribes the Ntlakápamux, whose habitat is on the Fraser River and its tributary the Thompson River (whence they are often called the Thompson Indians) reckon kinship on both sides. There are three modes of entering into married

[1] *B. A. Rep.* 1889, 838, 834; Boas, *Rep. Nat. Mus.* 1895, 358, 334. *Cf.* Dawson, *Trans. Roy. Soc. Canada*, v.

[2] Boas and Hunt, *Jesup Exped.* x. 12, 196, 239.

life. In one of them the man, in another the girl's family, takes the initiative. In both cases presents are exchanged between the relatives. In both cases the bridegroom on going to claim his bride stays at her parents' house for several days. Then he brings her to his father's house. After a few days, or even a month or more, the young couple are compelled by custom to return ceremonially to the bride's home. They stay there for a while and are then brought back to the bridegroom's father's house; after which they are at liberty to live with or visit the parents of either as they feel inclined. These proceedings are an obvious compromise, and it will be observed that they start from the residence of the husband with the wife's folk, and not *vice versâ*. The third mode of entering into marriage is now obsolete. Formerly a man was compelled to marry a girl whose person he had touched, even if he had touched her accidentally. A man who touched the naked breasts or heel of a maiden transformed her by that act into his wife, and they lived together thenceforth as man and wife.[1] If a young man intentionally touched a girl with an arrow, it was an offer of marriage. Two days afterwards he repaired to her house, and if her relatives called him "son-in-law" and treated him well, he knew that he was accepted. "The man who cut or loosed one string of the lacing which covered a maiden's breast, cut her breech-cloth, or lay down beside her had to marry her; and she at once became his recognised wife without further ceremony. Sometimes a young man would repair to the house of his sweetheart after every one had gone to bed. He knew where she slept. He

[1] Compare the Indian cases cited above p. 40.

would quietly lie down beside her on the edge of her blanket. Sometimes she would give an alarm, and he would have to run out, but often she would ask who he was. If she did not care for him she told him to leave or struck him; but if she liked him she said no more. He lay this way on top of her blanket, she underneath, neither of them talking, till near daybreak; then he crept noiselessly away, just whispering to her 'Good-by.' He would come and do likewise for three nights more. On the fourth and last night she would put her arm and hand outside the blanket. This was a sure sign that he was accepted, therefore he took her hand in his. From that moment they were man and wife. On the next morning the girl would say to her parents: 'So-and-so comes to me. He touched my hand last night.' Then her father would tell the young man's people, while her mother would prepare a small feast. The young man and his parents would repair to the house of the girl's parents, and the young man would henceforth live with his wife. Sometimes, if the girl's parents gave no feast, the lad's parents did; then the girl's father took her to [the lad's] house, and she lived with her husband and his people. In this as in all forms of marriage by touching, as a rule no presents were given, nor were ceremonial visits made. . . . The young women also had the privilege of touching the young men, which they generally did on either the head or the arm. A man, however, was not compelled to take to wife the girl who had touched him, although he usually did so. Some girls who touched a man and were not accepted felt greatly ashamed, and committed suicide."[1] From this

[1] Teit, *Jesup Exped.* i. 321, 292.

account we may infer that the original form of marriage ceremony among the Thompson Indians was by "touching," that "touching" involved the residence or visits first secret and afterwards open of the bridegroom at the bride's place of abode, and that no further ceremony was required than the recognition by the bride's family of the relations between her and the bridegroom. These are institutions proper to the stage of motherright. The more formal bespeaking, either for oneself or for a child whether girl or boy, of a spouse and the securing of the contract by gifts are intended to forestall any marriage in the ancient way which would leave it to chance, to the wayward inclination of the parties, or to the dash and cunning of a rival.

In the foregoing pages no attempt has been made at an exhaustive enumeration of peoples practising the different forms of connubial relation under review. The object has been to illustrate only some of the stages through which society has passed from matrilineal to patrilineal reckoning, or to the reckoning of parentage on both sides. The illustrations have been chosen from all parts of the world, so as to bring home to the reader's mind the fact that the process has not been confined to any one race, that it is not a local aberration, but that it belongs to the progressive organisation of human society and is due to causes universally operative, though not everywhere fully wrought out.

While it has not been possible to arrange the illustrations in exact progressive sequence, it is hoped that this has been done sufficiently to enable the general trend of social organisation to be apprehended, bear-

ing in mind that we cannot postulate any invariable series of stages through which it must have passed. We began with the reception of temporary lovers by women in their own homes. A connection thus formed tends with favouring circumstances to perpetuation; and the lover (or husband, as he may then be called) is installed as a permanent guest in his wife's tent or hut. Often the connection is at first secret. Of this stage the well-known taboo by the wife's relations of her husband is beyond reasonable doubt a consequence. It is not merely the result, as Professor Tylor long ago proved, of the residence of the husband with the wife's kin: it specifically follows from the secrecy of the connection between husband and wife. It is the ceremonial expression of an open secret, and as such endures long after all pretence at secrecy has disappeared, and even after residence at the wife's home has ceased to be practised.

Cohabitation, however, can continue to be ignored by the woman's kindred so long only as they remain indifferent by whose assistance their number is increased. The moment they find in their women a means of purchasing for themselves wives, worldly goods or the goodwill of surrounding clans, they will exercise more or less supervision over the permanent alliances which these women contract. At first, and for a long time, mere passing amours are not regarded, or at least they are not interfered with. But by-and-by virginity comes to have a special market-value, the stringency of the sexual code is increased, and a jealous watch is thenceforth kept upon maidenhood. Long before this stage is reached the woman's connubial arrangements become subject to the recognition

and consent of her kin. Cohabitation must then of necessity be disclosed at or before pregnancy. Though it may ceremonially be still considered secret it is as a fact known in the wife's family and accepted by them; and in the earlier stages its acceptance is often followed by the husband's prolonged residence with them. Where the matrilineal clan is in full force, or where the family has been formed within the larger organisation of the clan but has not yet succeeded in supplanting it for effective social government, the husband remains subordinate to the wife's male kinsmen, her uncles or her brothers. But in the process of development the clan has in many places been broken up into families the male members of which reside permanently in their wives' homes. This process is often accelerated by circumstances, as in the forests of Central Brazil. It may result, as it does there, in the husband's ultimately becoming the head of the household. In such cases the sons, unless they dwell in a bachelors' house in the village, sometimes pass to their uncle's care at an early age, thus quitting the parental roof even before the occasion arises for seeking mates for themselves.

In desert countries, however, where food is scarce population cannot cluster together in villages, nor can children easily pass to another household. Small groups are dispersed hither and thither in the search for subsistence. In some instances the inhabitants of these waste places are degraded peoples driven by invaders from kindlier soil and climate. But whatever may be the cause of dispersal its tendency would be to break down the earlier social organisation. A man would be unwilling to wander permanently without

a mate. The weaker members of his tiny horde would cling about him as their defence and mainstay. Their relation to him would entail discipline and subordination; and his authority would necessarily become unquestioned and supreme. The effect of this constant association would be that a far stronger bond would be felt between father and child than between the child and his mother's kin, with whom perhaps he only at rare and irregular intervals came into contact. The development of fatherright in this way would be unchecked, unless the wandering for subsistence ceased at regular intervals by the reunion of the larger community. In the event of such reunion motherright might long retain its legal force, or as among the Eskimo kinship might come to be recognised through both parents.

The evolution of human society more commonly takes a different direction. It is dependent not on weakness but on strength and prowess. The impulse to domineer by virtue of physical superiority has asserted itself in all ages. The capture of women has doubtless been always going on. Thus side by side with marriages in which the husband resided with or visited the wife, arose the practice of keeping one or more captive women at a man's own home for his use and benefit. The power in the household given to him by such an arrangement would be desired by others who had not the opportunity of making hostile raids for the purpose of capture. It was obtained by elopement, by simulated capture, by exchange, by the payment of what we call a bride-price. In any one of these ways or by a combination of two of them marriage is entered into in various parts of the world.

A bride-price is perhaps the most usual incident of a marriage, and is found even among peoples where the husband goes to reside with the bride and her kin. But as we have seen it is very often the condition not of marriage itself, but of the transfer of the bride to the household of her husband and of her children to his kin. Speaking broadly and subject to exceptions, the children of a marriage where the wife continues to reside with her own kin belong to that kin and not to their father's. The converse is not so general. Among some nations the wife, though residing in her husband's dwelling and under his protection and authority, retains and transmits to her children her kinship. Even the payment of a bride-price does not invariably transfer them. The tie of blood with the mother is recognised, with the father is ignored, however notorious the paternity may be. But a local tribe in such a case would, as already pointed out, be composed of men and their children who, if kindred were counted through males instead of through females, would constitute a patrilineal kin : that is, they would be descended in fact on the male side from a larger or smaller number of common ancestors. The affection of a father for his children is by no means dependent on the reckoning of kinship. On the contrary it quite commonly precedes it. Where the father is the head of the household a large measure of power over the children is in his hands, even before his kinship with them is legally recognised ; but it is liable to be largely qualified by the rights of the mother's kin. Paternal affection, the impulse to domineer and the greed of undivided power over the children would all alike lead to the desire of

more complete ownership, such as would be involved in counting them to the father's stock instead of the mother's. Self-interest of a more material kind would concur. The self-interest of the individual father would seek a means of increasing his wealth and consolidating his influence. The common self-interest of the local tribe would seek to strengthen itself against competitors and foes. The same reasons indeed would operate where, as in ancient Arabia, the matrilineal clan dwelt together. A band of brethren forming a local matrilineal clan would soon feel their strength. If faced by formidable foes they would become more and more conscious of the power of union. They would be reluctant to separate even for a limited period to mate with women outside their own home. The bringing in of strange women might then have led either to the mixture of clans by the retention of female kinship, or directly to the reckoning of the children to the paternal stock. The point that needs to be insisted on is that the bond of continual association founded on daily contact and the authority of the head of the family and of the local elders and chiefs is insufficient of itself to give that sense of union and security which the legal tie of kinship carries. We have had illustrations of this in the preceding chapter. Where kinship is reckoned through the mother, father and child are found on opposite sides in quarrels between clans; they meet in conflict; and the duty of blood-revenge lays upon them the necessity of exacting compensation from one another, and even life for life. The powerful impression made by such collisions upon the mind at a certain stage of civilisation is shown by the wide diffusion of stories founded on the

theme of the Father-and-Son Combat. The ultimate tendency therefore of residence by the wife at the husband's home would be in the direction of patrilineal reckoning. Moreover, in the progress of culture property of one kind or another began to be accumulated. It was poor at the best according to our standard; but such as it was it was invaluable in the struggle for subsistence, for maintenance against the forces of surrounding nature or men, and for advance in material civilisation. The children of a man who owned property would during his lifetime share in its advantages. On the occasion of his death religion required much of it to be destroyed or abandoned to the deceased. Under motherright the children had the mortification to see what remained pass away from them to their father's relations. Though on the other hand they were entitled to share in what was left by their mother's male kin, that perhaps hardly made up to them the loss of the hunting-grounds, the woods, the fields, the house, the cattle, the beasts of burden, the arms and other objects hitherto associated with their life and of which they had shared in the usufruct. This motive, partly economical partly sentimental, for a change of kinship-reckoning was not, it may be conceded, everywhere potent. That it had its influence however in bringing about the result is clear from the fact that even under motherright the father begins to take care of his children in this respect by bestowing on them substantial gifts in his lifetime, and from their claim, as among the Malay population of Tiga Loeroeng, to a share of his property after his death: a claim logically inconsistent with motherright.

It is submitted then that while motherright is founded on blood, fatherright on the other hand had its origin in quite different considerations. Kindred with the father is first and foremost juridical—a social convention. This is rendered clear by the customs of numerous peoples in transition between motherright and fatherright. Such are those of the Malays of the Padang Highlands where the residence of the mother, whether with her own or her husband's *suku*, decides the question; of the Murray Islanders where the children have their choice between their father's or mother's clan; of many of the Dravidian tribes of India where the reckoning has been changed by contact with Brahmanism; of the Chukchi where the future kin of the pair and consequently of their children is now a matter of arrangement at the time of marriage. Still more evident is it in the effect that so commonly follows the payment of the bride-price. It would be easy to multiply the number of instances I have cited, in which the payment of the bride-price not merely ensures to the bridegroom the custody of his wife and children, but transfers the children to his stock. The artificial character of the kinship thus created is thrown into strong relief where two kinds of marriage like those by *jujur* and *ambel anak* coexist, or where the rights of the wife's kin are compromised for one or more children of the marriage.[1] On the other hand,

[1] Among the Negro tribes of West Africa even the wife herself sometimes sells her rights in the children to her husband for money. We have learned in the last chapter that so absolute is the power of the head of the family that he can pawn or even sell the children. Among matrilineal peoples this power is generally vested in the maternal uncle, but occasionally at least in the wife herself. The Ewhe are a matrilineal people. The father's power over his children

the examples adduced in the preceding chapter show that to reckon a child to the stock of its mother's husband it is by no means necessary that the actual paternity be traceable to him; nor is it even fatal that he is known not to be physically the father. The conclusion seems irresistible that fatherright is traceable not to any change in savage or barbarous theories of blood-relationship, but to social and economical causes of the kind suggested in the last few pages.

by a free woman is of the most limited description. The Ewhe wife can sell or pawn her children without her husband's consent, but only if he refuse to give her what she requires. "If for instance a woman were condemned to pay a fine, and her husband refused to give her the amount required, she would have a right to sell or pawn her children in order to raise the money. In such cases it is not unusual for a mother to sell or pawn the children to their father; and men often refuse to assist their wives in such cases, in order that they may thus acquire entire control of their children" (Ellis, *Ewe*, 221. *Cf.* Cruickshank, i. 321 *sqq.* as to the Gold Coast). We are not, indeed, told that this transaction transfers the kinship to the father, but the ownership by the father of the children is almost indistinguishable from kinship. Paternal descent is in fact usually described as paternal ownership, and that not merely by European observers but by the people concerned themselves. There is no more reason why a mercantile transaction of this kind should not as easily transfer the kinship of the children as payment of the bride-price. In this connection it will not be forgotten that the payment of the bride-price is often supplemented by a specific payment in respect of each of the children. We may fairly regard this purchase therefore by the father of his children as a step in the transfer of kinship, if not a transfer complete in itself.

CHAPTER VI

MARITAL JEALOUSY

Continence not a savage virtue. Female chastity a slow growth from the limitations imposed by the masculine sense of ownership upon the gratification of the sexual instincts. In the lower culture jealousy operates only feebly or within limits. Examination of cases among matrilineal peoples. Survival of matrilineal freedom into fatherright. Peoples in a state of transition or where kinship is reckoned through parents: Eskimo. Patrilineal peoples. Polyandry: the Todas and other peoples of India and the neighbouring countries. Sexual morality. Religious and other ritual observances. Wide distribution of practices implying defective jealousy. General indifference to the actual paternity of a child. Value of children. Fatherright fosters indifference to paternity.

THE position we have now reached is this: While motherright originates in the consciousness of blood-relationship, fatherright on the contrary is due to social and economic causes. It is an artificial system of the reckoning of kinship; it is formed by analogy with the earlier system of motherright, and has in its origin at all events nothing whatever do with the consciousness of blood-relationship. This conclusion will be strengthened by a further consideration of the sexual relations of peoples in the lower culture.

Savage and barbarous peoples are possessed of many virtues, in some of which they are often justly cited as examples to persons in a higher civilisation.

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Among such virtues sexual continence does not rank highly unless in cases where marriage brings a sense of ownership, especially to the husband, which is liable to be wounded by infidelity on the part of the other spouse. Even then, however, so little importance is attached to the wife's purity that, by way of hospitality and for other causes, relations with other men are often permitted to her, and the definition of adultery is limited to unlicensed acts. On the highest planes of culture this sense of ownership has been refined into the conception of the virtue of chastity; and both there and among not a few nations still in barbarism it has been extended backward so as to forbid to women sexual intercourse outside the more or less permanent unions which may legitimately be called marriage. Hence the value attached to virginity in a bride married for the first time, a value that in spite of its generally elevating tendency has undoubtedly resulted in the infliction of bodily suffering on women and has probably been one of the factors in producing the all-too early marriages usual in many parts of the world.

The wide prevalence of the opposite practice, namely, the sexual liberty recognised as the right of the unmarried both male and female, may be regarded as evidence of the small social importance attached to the gratification of the sexual instincts apart from the limitations imposed by the sense of ownership and the consequent growth of the ideal of chastity. The sense of ownership has been the seed-plot of jealousy. To it we are indebted for the first germ of sexual regulations. To it in the last resort, reinforced by growing physiological knowledge and sanctioned by religion, is

due the social order enjoyed by the foremost nations of Europe and America. We have now to consider conditions in which the sense of ownership if not absent is imperfect or developed in a manner divergent from ours, jealousy operates feebly or within limits, and chastity is not yet a virtue. Cases of sexual liberty before marriage or during widowhood will not as a rule detain us.

One of the most striking examples is that of the Sia. So little do they exhibit what we are accustomed to regard as the ordinary feelings on sexual relations that, as noted in the previous chapter, it is suggested that the danger of extinction has caused a general dissolution of manners. The disappearance of fifteen clans out of twenty-one which formerly constituted the tribe, and the reduction of three of the remaining six each to a single member, a man advanced in years, while one of the other clans is limited to a single family, has undoubtedly broken down the rule of exogamy. Whether the same cause has operated to produce the state of things about to be described the reader will be in a better position to judge after the customs of some other peoples have been examined. "Though the Sia," we are told, "are monogamists, it is common for the married as well as the unmarried to live promiscuously with one another, the husband being as fond of his wife's children as if he were sure of his paternal parentage. That these people however have their share of latent jealousy is evident from the secrecy observed on the part of a married man or woman to prevent the anger of the spouse. Parents are quite as fond of their daughter's illegitimate offspring as if they had been born in wedlock;

and the man who marries a woman having one or more illegitimate children apparently feels the same attachment for these children as for those his wife bears him." Some of the women boast of their relations with men other than their husbands. Young maidens are set up for sale (by no means necessarily for marriage), and are often allotted to married men. Every birth is a subject of rejoicing, especially if a girl, regardless whether it be legitimate or not.[1] It is obvious that no man can be reasonably sure of the paternity of any child borne by his wife. The only thing that either party to the marriage is concerned about is the avoidance of open collision with the other. The actual practice is well understood. Against the Hopis, another of the Pueblo peoples, the dissolution of manners laid to the account of the Sia is not charged. Yet even there, a girl incurs no social penalties for admitting her accepted lover to marital privileges before the formal marriage. Nor will the birth of a child whose father she does not marry in the end prevent her from wedding some one else; while the child has the same social position and rights as a child lawfully begotten. Moreover the facility of separation allows either husband or wife at will to put an end to the relation and contract a new marriage.[2] If the standard of sexual morality be somewhat higher at Zuñi the difference is not unconnected with the general advance in civilisation characteristic of that pueblo as compared with others.[3]

All the Pueblo Indians are matrilineal. Where

[1] *Rep. Bur. Ethn.* xi. 20. [2] *Supra*, p. 75.

[3] Even at Zuñi licence is not unknown at the religious festivals, though now frowned upon (*Rep. Bur. Ethn.* xxiii. 210); and the mythical tales contain at least a trace of polyandry (Cushing, *Zuñi F. T.* 127).

descent is reckoned exclusively through the mother paternity is of no importance; and until at any rate the husband has succeeded in establishing himself in a more secure position than the Sia or the Hopi husband, the question of lawful marriage is quite secondary, or is disregarded altogether from the point of view of the child as well as the mother. It will be convenient in the first place to restrict our attention to matrilineal peoples.

Among the Hurons Charlevoix reports that the young people of both sexes abandoned themselves without shame to all sorts of dissolute practices, and it was no reproach to a girl to be prostituted. Her parents, indeed, were the first to invite her to it. Husbands did the same with their wives for a trifling profit. Many men did not marry at all but took girls, they said, to serve as companions; and all the difference between these concubines and legitimate wives was that with the former no definite contract was entered into. Their children were on the same footing as others, which produced no inconvenience in a country where there was no property to succeed to.[1] Their neighbours, the Iroquois, boasted of not being given to the eccentricity of jealousy, though Charlevoix roundly denies their claim, declaring the passion to be equally developed in both sexes. I need only add to what has been said in the last chapter on the subject of matrimonial arrangements among the Iroquois that when the parties were agreed on separation it was perfectly easy without any reason assigned, but good reason was necessary when separation was sought on one side only.[2]

[1] Charlevoix, vi. 38. *Id.* v. 420.

The Illinois and more southerly nations were still more abandoned, and it was to their example that the good Father attributed the corruption of Iroquoian manners. The women were very lascivious. The prostitution of girls before marriage was a custom permitted by many of these tribes. To this as well as the length of time of suckling (during which there was no cohabitation), the excessive toil to which the women were subjected and the state of extreme misery often endured by the whole people Charlevoix ascribes the fact that female fecundity was small.[1] Whether more is meant here by prostitution than the antenuptial licence common among matrilineal and even among patrilineal peoples may be doubted. Something more would seem to be asserted of the Natchez. "We know no nation on this continent where the women are more dissolute than they are in this. They are even forced by the king and the inferior chiefs to prostitute themselves to all comers, and a woman is none the less esteemed for being common. Although polygamy is permitted and the number of wives is not limited, this is a liberty of which few beside the chiefs make use. Ordinarily a man has but one wife; but he can repudiate her when he will. The daughters of the royal house may only marry men of low birth, but they have the right to dismiss them when they like and take others, provided they are not related by marriage to them. If these husbands be guilty of infidelity, they may cause them to be tomahawked; but they themselves are not bound by the same law. They may even have as many lovers as they please without any right on the part of the husband to object:

[1] Charlevoix, vi, 4.

this is a privilege attached to the royal blood. The husband stands upright in his wife's presence in a respectful attitude; he does not eat with her; he addresses her in the same tone as her servants do. The sole privilege that an alliance so onerous procures him is to be exempt from labour, and to have authority over those who serve his wife." The chiefs had a right to take any girl they pleased into the number of their wives. They generally visited them at their parents' houses. Jealousy was not a national characteristic. The Natchez even lent their wives without ceremony: whence it was, the Jesuit Father opined, that it was so easy for them to dismiss them and take others instead.[1] The hospitality which provides a temporary wife for a guest is mentioned by Captain John Smith as practised by the natives of Virginia when it was first colonised. He describes the ceremonies on the visit of a distinguished stranger, and concludes by saying; "Such victuals as they have they spend freely; and at night where his lodging is appointed they set a woman fresh painted red with *pocones* and oil to be his bed-fellow."[2]

The Záparos of Ecuador are addicted to the stealing of women, even among themselves. "A man runs away with his neighbour's wife, or one of them, and secretes himself in some out of the way spot until he gathers information that she is replaced, when he can again make his appearance, finding the whole difficulty smoothed over. In their matrimonial relations they are, as indeed in the practice of all their customs, very loose—monogamy polygamy communism and promiscuity all apparently existing amongst them. Entirely

[1] Charlevoix, vi. 181, 184. [2] Smith, *Works*, 73.

contrary to other neighbouring tribes, they are not at all jealous, but allow the women great liberty, and frequently change their wives in the manner above mentioned, or by simply discarding them, when they are perhaps taken up by another."[1] Succession in Porto Rico at the time of the Spanish Conquest was probably matrilineal. Every bride had to undergo the *jus primæ noctis* on the part of the guests of her husband's rank.[2]

In Central Brazil the Bororó are divided into two classes: those who dwell in family huts, comprising the heads of families and married men, and those who inhabit the men's houses. The bachelors who occupy the latter lay themselves out to catch girls, whom they then hold in common among smaller groups. The abduction of these girls is frequently accomplished in open daylight. All the men are reckoned fathers of any children they may bear; nor does this mode of life seem to affect the social esteem in which they are held.[3] The Cañaris Indians of Quito traced their descent from a mythical woman who had commerce with two men who were brothers, and gave birth in consequence to six children, the ancestors of the tribe.[4] The intimate connection between mythical tales and custom warrants us in suspecting that, whatever may have been the social condition of the Cañaris at the time of the Spanish conquest, such relations between men and women were not unknown at an earlier and perhaps not very remote period.

[1] A. Simson, *J. A. I.* vii. 505. [2] *Rep. Bur. Ethn.* xxv. 48.

[3] von den Steinen, 500, 502. Rhode records that the Bororó women on the banks of the Paraguay have little chastity; they made him and his men frequent overtures (Ploss, *Weib*, i. 300).

[4] Markham, *Rites and Laws*, 8.

The marriage customs of the Australian natives have been the subject of much discussion by anthropologists during recent years. We need not here concern ourselves with their disputes, for the main facts I am about to cite are, so far as I am aware, unchallenged. In the Dieri tribe of South Australia, when the young women come to maturity there is a ceremony called Wilpadrina, in which the elder men claim and exercise a right to them, and that in the presence of the other women.[1] This, it may be said, is a puberty rite intended to introduce the girls to the status of women, and not to be repeated. But it is not all. The tribe, like other Australian tribes, is divided socially into a number of groups of men on the one side and women on the other, the members of which from birth stand in the relation of *noa* (that is, potential spouses) to one another, and marriage outside the group is forbidden. The potential marriage may be converted into the *tippa-malku* relation (actual marriage) by formal betrothal in childhood or apparently at any time after. The *tippa-malku* relation is not however exclusive appropriation. It is qualified by that of *pirrauru*, an institution by which either or both of the spouses may be allotted and reallotted from time to time to a group of secondary spouses of the appropriate sex, who are *noa* to them. The persons who are *pirrauru* to one another may always exercise conjugal rights in the absence of the *tippa-malku* spouse. On certain occasions a *pirrauru* husband may even have prior rights to a *tippa-malku* husband; and he has the duty of protecting his *pirrauru* wife during her *tippa-malku* husband's

[1] Howitt, 664.

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absence. "When two brothers are married to two sisters they commonly live together in a group-marriage of four. When a man becomes a widower he has his brother's wife as *pirrauru*, making presents to his brother" in return. A man will sometimes lend his *pirrauru* to young men who have none with them or to whom none have yet been allotted, receiving in return presents of weapons trinkets and other things, which he gives away to prominent men and thus adds to his own importance. A visitor of the proper exogamous moiety of the tribe and connubial group (*noa*) is offered his host's *tippa-malku* wife as a temporary *pirrauru*. Outside the relation of *pirrauru* men have access also to unmarried girls and widows of the group in which they have connubial rights. Moreover, there are times when free intercourse takes place between the sexes "without regard to existing marriage relations. No jealous feeling is allowed to be shown during this time under penalty of strangling," though it may crop up afterwards. Such an occasion would be a corrobboree at which the tribe meets an adjacent tribe, as on the marriage of a member of the one tribe with a member of the other tribe.[1] Women too are always sent on embassies to neighbouring tribes to settle disputes. If possible the women chosen are such as belong to the tribe to which the embassy is sent. They are accompanied by their *pirraurus* as being more likely to be complaisant to their acts than their *tippa-malku* husbands would be. For "it is thoroughly understood that the women are to use every influence in their power to obtain a successful

[1] Howitt, 175–185. Men sometimes exchange their *tippa-malku* or their *pirrauru* wives.

issue for their mission, and are therefore free of their favours," subject always to their paramours being of the proper connubial class. If the mission be successful, "there is a time of licence between its members and the tribe, or part of a tribe, to which it has been sent. This is always the case; and if the Dieri women failed in it, it would be at peril of death on their return. This licence is not regarded with any jealousy by the women of the tribe to which the mission is sent. It is taken as a matter of course. They know it, but do not see it, as it occurs at a place apart from the camp." Women of the latter tribe usually accompany the embassy back to testify the approval of their tribe to the agreement arrived at; and though we are not expressly told we may assume that the same licence occurs in their case.[1]

It is clear that while jealousy exists among the Dieri, it is very imperfectly developed.[2] The next question is how these sexual complexities and licence affect the children. The answer is: In no way to their disadvantage. Their lineage is counted exclusively through the mother. They belong to their mother's totem and exogamous intermarrying class, whoever is their father. They call all their mother's husbands, whether *tippa-malku* or *pirrauru*, fathers; though on close inquiry they would distinguish the former as their "real father" or "very father," calling the others "little father." In like manner they call the *pirrauru* wives of their mother's *tippa-malku*

[1] Howitt, 682.

[2] Jealousy, it is right to say, does attach to the *pirrauru* status; but apparently not so much in reference to occasional acts as lest further *pirrauru* relationships be entered into. And it is very far from being a specially masculine phenomenon (Howitt, 182).

husband as well as their own mother by the name of mother, distinguishing them if necessary as "little mothers." Reciprocally they are called "son" or "daughter" by their mother's male *pirrauru*,[1] and probably by her female partners in the *pirrauru* group. For we read that "in the event of a *tippa-malku* wife dying, a *pirrauru* wife will take charge of her children and attend to them with affection and not in any manner as a step-mother. It must be remembered," Dr. Howitt goes on to say, "that a man's wives whether *tippa-malku* or *pirrauru* are in the relation of sisters either own or tribal."[2] Here he hits the heart of the difficulty around which anthropologists are still disputing. The Australian terms of relationship are so wide that in the present state of the discussion it is unsafe to build any argument upon them. One result, however, emerges: they do not necessarily convey any assertion as to physical relationship in the same way that ours do.

The sexual arrangements of the Dieri have been laid bare in greater detail than those of any other matrilineal tribe in Australia. To avoid repetition it may be said there is general correspondence in the institutions of all such tribes, at all events in the south-eastern part of the continent. In some it would appear that the licence is even greater and amounts at times to absolute promiscuity.[3] In New South Wales

[1] Howitt, *J. A. I.* xx. 58. We cannot consider it surprising that "frequently the women say they are ignorant which man, the Noa or the Pirrauru, is the father of any particular child, or they do not admit that there is only one father."

[2] *Id.* 184.

[3] *E.g.*, the now extinct tribe of the Kurnandaburi, Howitt, 192, 193; the Wiimbaio, Tatathi and Keiamin, *Id.* 195. Other ex-

where uterine descent generally prevails it is an almost universal rule that visitors to a neighbouring tribe having the same class organisation are accommodated with temporary wives. When two brothers (using that word in the extended sense of Australian relationships) have quarrelled and wish for a reconciliation one of them sends his wife to the other's camp, and a temporary exchange is effected. At a grand assembly of the tribe, or as a magical rite to avert some threatened calamity, a general exchange of wives sometimes takes place.[1] A calamity is not foreboded every day, and grand assemblies of a tribe are becoming constantly rarer: hence this custom is not of frequent occurrence. The practice of other tribes may however lead us to suspect that it was formerly by no means uncommon. At any rate there is a good deal of sexual licence at all the gatherings for puberty ceremonies.[2]

Another district in which matrilineal institutions prevail is the western side of the continent of Africa. Many of the tribes both of Negroes and Bantu are comparable for laxity to the Australians. Thus of the Bahuana, a tribe inhabiting the banks of the Kwilu, an affluent of the Kasai in the Congo basin, we are told that sexual morality is conspicuous by its absence. "The unmarried indulge as they please from a very early age, the girls even before puberty. Hence virginity in a bride is never expected and never found."

amples of more or less restriction are the Kamilaroi (*Id.* 208), the Geawegal (*Id.* 217), the Wakelbura (*Id.* 224). Compare the customs of the aborigines of North-West-Central Queensland, Roth, *Ethnol. Stud.* 174, 175, 181, 182,

[1] A. L. P. Cameron, *J. A. I.* xiv. 353.

[2] Mathews, *Ethnol. Notes*, 68.

Marriage is the result of choice on both sides and is preceded by the intercourse of the parties. The women cultivate the land. When the girl goes to the fields she is followed by her lover. He tells her that he desires her and wooes her with a gift. If she succumb to this courtship she admits him to her favours there and then. This is repeated day after day until "his heart becomes big" or he has no more of the native currency of brass rods to bestow upon her. Then he goes to her mother with a present which includes a fowl, and tells her that he wants to marry her daughter. "I don't mind," says the mother; and he thereupon takes the girl to his hut without any further fuss. Divorce it is true is unknown. But marriage makes little difference in a woman's continence; "and it may be said that the only time during which a woman contents herself with her husband is during pregnancy, since it is believed that adultery at this period would prove fatal to the child." Abortion, as might be expected, is common. Jealousy is so far developed that the husband considers adultery on the part of his wife when discovered to be a personal injury, for which compensation is assessed by the chief. Unless the mother be his slave the father has very little authority over the children, who are sent to their maternal uncle at puberty. There is no difference in the treatment of legitimate and illegitimate children. The only prohibited degrees are said to be mother and and son, and brother and sister.[1]

In the cataract region there is a secret guild called

[1] Torday and Joyce, *J. A. I.* xxxvi. 285 *sqq.* Sexual indulgence by children is not considered in the slightest degree shameful, and parents do nothing to check it.

Ndembo into which both sexes are admitted. Children young people and middle-aged men are all to be found in the *vela*, or home, where the mysteries are conducted. Some pass through the mysteries more than once. When it is decided to initiate a number of persons in a district the *vela* is built outside the town. Those who desire to be admitted feign sudden death. After awhile the sight of these cases "induces a form of hysteria among the natives, who fall and are actually carried off in a state of catalepsy." They are all brought to the *vela*, where they remain for a term varying from three months to three years. The details of the rites do not concern us, except that no clothes are worn, for "there is no shame in *ndembo*." "Both sexes live together, and the grossest immoralities are practised. In this respect however," says a missionary, "some districts are worse than others, but the King of Congo, long before we went out to him, had prohibited the custom in the town of San Salvador as too vile to be permitted. For the same reason it was not allowed in some other towns. These were, however, but a few exceptions; the vile and senseless custom was almost universal." When the novices return fully initiated, they are supposed to have actually died and undergone resurrection.[1] Mr. Herbert Ward describes a rite which he calls *N'Kimba* or *Fua Kongo*, but which appears to be similar to, if not identical with, that just referred to. According to him it is a sort of magical rite to increase the fertility of the women. "When the elders of a village consider that the women are not bearing the usual proportion of children they proclaim an 'N'Kimba.' The charm-doctors and

[1] Bentley, *Pioneering*, i. 283.

other active agents of the rite take up quarters in an isolated forest, where they are soon joined by numbers of voluntary initiates. Boys and men of any age are eligible, as also girls and women who have not borne a child. Full sexual licence is permitted." As in the case of the *ndembo* death and resurrection are supposed to be suffered by the candidates, but we are told that the process "usually lasts five or six years."[1] These are special observances of a quasi-religious character and only take place at certain intervals. But Sir Harry Johnston, speaking in general terms of the same region, declares that chastity is unknown; a woman's honour is measured by the price she costs; and but for jealousy of the men there would be promiscuous intercourse. Even this jealousy is often easily laid. A trifling fine in many districts is deemed sufficient penalty for adultery, though elsewhere, as we have seen in a previous chapter, the punishment is death. On the other hand the men are far from displaying anything but satisfaction when a European is induced to accept the loan of a wife either as an act of hospitality or in consideration of some small payment. The testimony to the incontinence of the West African native is in fact universal; and masculine jealousy is founded on nothing but the bride-price and the property in the woman obtained by payment.[2]

Mr. Monteiro, writing of the Mussurongo Ambriz and Mushicongo tribes, says: "The Negro knows not love affection or jealousy. Male animals and birds are tender and loving to their females; . . . but in all the long years I have been in Africa I have never seen a Negro manifest the least tenderness for or to

[1] *J. A. I.* xxiv. 288. [2] Johnston, *Congo*, 404.

a Negress. . . . They have no words or expressions in their language indicative of affection or love. Their passion is purely of an animal description, unaccompanied by the least sympathetic affections of love or endearment. It is not astonishing, therefore, jealousy should hardly exist; the greatest breach of conduct on the part of a married woman is but little thought of. The husband by their laws can at most return his wife to her father, who has to refund the present he received on her marriage; but this extreme penalty is seldom resorted to, fining the paramour being considered a sufficient satisfaction. The fine is generally a pig and rum or other drink, with which a feast is celebrated by all parties. The woman is not punished in any way, nor does any disgrace attach to her conduct. Adultery on the part of the husband is not considered an offence at all, and is not even resented by the wives. It might be imagined that this lax state of things would lead to much immorality; but such is not the case, as from their utter want of love and appreciation of female beauty or charms they are quite satisfied and content with any woman possessing even the greatest amount of the hideous ugliness with which nature has so bountifully provided them. Even for their offspring they have but little love beyond that which is implanted in all animals for their young."[1] Post cites an old Italian writer for the statement that it was quite customary in Angola Ginga Cassange and Congo to lend and exchange wives, and other writers aver the same of the Mpongwe.[2]

Islam has made much progress among the peoples

[1] Monteiro, i. 243. [2] Post, *Afr. Jur.* i. 471, 472.

of Senegal. But pagan tribes still exist whose manners have the ordinary Negro characteristics. The Mancagnes, for instance, permit antenuptial licence; and the birth of a child, especially a girl, in consequence is received by the mother's parents with sacrifices of joy and feasting similar to those consequent on the delivery of a married woman. A bride-price is paid for a wife, nor is there any regard for her personal wishes. She ought in theory to be faithful after marriage to her husband, or her family may be called upon to repay her bride-price and she herself may be subjected to corporal punishment. But in reality she is the butt of attentions on the part of all the young men, who from the age of fifteen stop short of nothing to obtain her at every opportunity.[1] It is customary among several of the West African tribes for the wife to have a recognised lover. Among the Bullams Bagoes and Timmaneys female chastity is only valued to the time of marriage. It would be thought extremely impolite and ill-bred for a married woman to reject a lover's overtures. True, "she is liable to severe punishment if discovered, yet it does not at all affect her reputation," unless she have previously made a vow to her husband not to go astray for a certain period. "Almost every married woman has, according to the country custom, her *yangeé cameé*, or *cicisbeo*, whom she first solicits. This connection she is at little or no pains to conceal; and her husband is often obliged to be silent, as otherwise he would have reason to dread worse consequences. For although the laws of the country are severe against adultery, it requires the arm of power, even among themselves, to put them

[1] Leprince, *L'Anthropologie*, xvi. 59, 62.

in force." If pregnancy result from any of these amours the woman is said to declare the paternity of the child before it is born.[1] A husband among the Brames, we are told, reckons it a special merit in his wife to have many lovers.[2] The Mbres about Lake Tchad (if I am right in supposing them to be a matrilineal people) practise fraternal polyandry.[3]

Among the Tshi-speaking peoples of the Gold Coast "chastity *per se* is not understood. An unmarried girl is expected to be chaste because virginity possesses a marketable value, and were she to be unchaste her parents would receive little and perhaps no head-money for her. It is therefore a duty she owes to them to remain continent. A man who seduces a virgin is compelled to marry her, or if her parents will not consent to the marriage to pay the amount of the head-money. In the latter case, her marketable value having been received, any excesses she may commit are regarded as of no importance. A married woman is the property of her husband, and consequently may not bestow her favours without his permission. But a married man can and does lend his wife, and the wife submits to be lent, without either of them supposing that they are committing an offence against morality. Many husbands, moreover, encourage frailty on the part of their wives, hoping to profit by the sums which they will be able to extract from their paramours. Throughout, the woman is regarded as property. The daughter is the property of

[1] Matthews, *Voyage*, 119.

[2] Post, *Afr. Jur.* i. 468, citing Waitz.

[3] *L'Anthropologie*, xiv. 229, citing and reviewing an article by Capt. Truffert in *Rev. Générale des Sciences*, Jan. 30, 1902.

her mother, and the wife in a more limited sense that of the husband."[1] Similar customs are reported of the Ewhe-speaking peoples of the Slave Coast.[2] In both cases it will be observed that the want of chastity is regarded purely from the point of view of property. In an unmarried girl it reduces her market-value; in a married woman it is only reprehensible when the act is committed without the concurrence of the husband. The moral question is not considered; and lineage being counted only through women, there is no question of a possibility of tainting the descent of the issue.

The customs of the Negro tribes of the Ivory Coast subject to French rule have been investigated by government officials for juridical purposes. Among some of these tribes, although matrilineal, the *potestas* is vested in the father and has attained considerable development. Yet virginity is not required in a bride, and marital jealousy is so feeble a passion that adultery on the part of the wife entails no consequences upon her, or at most only a few blows. The partner of her guilt (if guilt it be) pays an indemnity, often quite small, to the husband, except among the Abrons, where he pays nothing if he belong to a different clan, though to avoid reprisals he generally makes him a present of a few bottles of gin. On the other hand the wife has, among several of the tribes, something to say to her husband's extra-matrimonial love-affairs, and does not forget to exact compensation. Divorce is in general easy on either side. Adulterine children are regarded little if any worse than others. They usually rank as the husband's legitimate offspring: in any case they belong to the wife's family. Among the Brignan, if

[1] Ellis, *Tshi*, 286. [2] *Id. Ewe*, 201, 202.

the husband divorce his wife for adultery, or refuse to recognise the offspring, he has no claim against the paramour for compensation. Some of the littoral peoples have a curious custom by which a man has a right to take away any other man's wife on paying her husband compensation.[1]

Among the Barea and the Baze of northern Abyssinia, the pregnancy of an unmarried girl is by no means a subject of dishonour. Her children are as welcome to the family as if she were married; nor has her lover any resentment on the part of her relatives to fear. Young people of both sexes have full sexual liberty, which also extends to divorced women. As regards married life, however, there is a great difference between these two tribes. The women of the latter are described as very free; the husbands are accused of lending their wives to their guests; and all conjugal fidelity is called in question. This however is the account given by the Barea and may be intended merely to emphasise their own claim to a higher morality. The wives of the Barea are everywhere regarded as being exemplary in their fidelity to their husbands—a notable exception among East African women. Yet neither among them nor among the Baze is adultery treated as a crime. A husband finding a stranger with his wife has merely the right to thrash him.[2]

Among the Wayao and Mang'anja of Lake Nyassa the girls are taught in their puberty ceremonies that they must be faithful to their husbands, else the latter

[1] Clozel, 101, 97, 149 *sqq.*, 100, 194, 198, 200–203, 398, 436, 439, 458, 460, 459.

Munzinger, 486, 524, 525, 502.

will kill them. This is a threat which, we learn, "goes perhaps a little beyond the truth." But the husband has the right to enforce it, as well as to inflict the same penalty on the seducer. Yet a native man will not pass a solitary woman, and her refusal of him would be so contrary to native custom that he might kill her. The missionary who reports this assumes that it would "apply only to females that are not engaged." But it is obvious that if the native men act in this way resistance by the women is not common. The husband of a faithless wife cannot return to cohabitation until another man has had ceremonial intercourse with her. The identity of the latter man is said to be concealed from the husband, lest from jealousy he kill him. Seeing, however, that his act is a ritual performance intended to render future cohabitation by the husband safe, it may be surmised that the real reason for concealment is different. It is a wife's duty to prepare food for her husband. "When a wife has been guilty her husband will die if he taste any food that she has salted" in the course of cooking. Here we perhaps have the real ground of the husband's right to kill the guilty wife: it is the danger to his own life arising from causes usually classed as sympathetic magic, not merely sexual jealousy. A girl who is betrothed but not yet actually married is liable to the same penalty. Infant betrothal is common; and it is the custom that betrothed girls often cook food for their intended husbands, who must therefore run the same risk as if actually married. Two married men on the other hand will often lend one another their wives. A man who has committed adultery with the wife of another and been found out will compromise

the latter's claim on him for compensation by lending him his own wife. Further, on emerging from the puberty ceremonies every one whether girl or boy must find one of the opposite sex with whom to have ceremonial intercourse: so little virtue is attached to sexual purity in itself.[1]

The Guanches of Grand Canary and Gomera held it to be one of the first duties of hospitality for the host to offer his own wife to a guest; and refusal of the courtesy was considered an insult. The people of Lanzarote, another of the Canary Islands, practised polyandry. Many of the women had three husbands "who held the position in turn by months, the one next to succeed to the honour serving until his time came to be lord." The Gomerans at least seem to have been in the stage of motherright: probably the inhabitants of the other islands were in the same stage. In Grand Canary the lord of the district had a *ius primæ noctis* over all girls; but he might if he pleased depute it to one of the nobles.[2]

The tribes inhabiting the Elema district of New Guinea bordering on the Papuan Gulf still reckon kinship through the mother. But the development of the paternal *potestas* has been considerable, and it is significant that theft of property and sexual immorality are by the native law identical and bear a common penalty, namely, death. This is said to have been laid down by their original male ancestor Ivu, who came out of the ground and married a woman whom he delivered out of the trunk of a tree. The tribal

[1] Duff Macdonald, i. 126, 173, 119; Capt. C. H. Stigand, *J. A. I.* xxxvii. 122.

[2] Cook, *Amer. Anthrop.* N. S. ii. 479.

legends turn like the tale of Troy upon the theft of a woman.[1] On the north-eastern coast of the island, however, among the Yassiassi the husbands prostitute all their women, their wives and daughters alike. They are great traders and the observer who reports this custom suggests that it is to be ascribed to their trading propensities.[2]

In the Marshall Islands no value is placed on antenuptial chastity, and sexual intercourse is quite free until marriage, except in the case of daughters of chiefs and families of high rank on the island of Nauru, where the population is Polynesian. It is a disgrace to bear an illegitimate child on Nauru. To obviate such an accident abortion is allowed. On the same island fraternal polyandry exists, though not common; and children born of such unions are reckoned as those of the entire group of husbands. On the other islands a married woman is by no means restricted to consort only with her own husband; but on Yaluit at least she denies him a corresponding liberty. On Yaluit there are women who instead of marrying entertain a succession of temporary lovers. They are call *karrainmerr* (bushwoman). This mode of life is not regarded as specially disgraceful, for the chief's wife will as readily admit to her society a bushwoman as any other of her sex. Throughout the islands husband and wife usually separate after a longer or shorter time; and a case is reported from Nauru in which a man of twenty-four had already had eleven wives, of whom some had left him and others he had left. On Yaluit the husbands lend their wives in

[1] Rev. J. H. Holmes, *J. A. I.* xxxiii. 127.
[2] Dr. Rudolf Pöch, *Globus*, xcii. 279.

exchange for payment. Not that this occurs against the woman's will: they are too independent for that: in most cases it is their inclination that is gratified. It need hardly be said that adultery is quite customary and is unpunishable. On Nauru the husband sometimes takes a sterner view, but he has no right to put his wife or her paramour to death; and if he divorce her the latter commonly marries her. Rape is not punished; on Yaluit resistance by a woman is unknown.[1]

On Ponape, one of the Caroline Islands, exchange of wives between friends and relations is occasionally practised.[2] At Tonga where, contrary to the general rule among the Polynesian peoples, descent was traced through the mother sexual licence was more restricted than on most of the islands where agnatic kinship prevailed. Examples of domestic happiness were by no means uncommon. Yet even there we are told there was lasciviousness, great licence existed and it was difficult to designate with certainty the father of a child. On the other hand the women were kindly and considerately treated and almost idolised by the men.[3]

On Guam, one of the Ladrone Islands, it was customary for young men to live in concubinage with girls whom they "purchased" from their parents by presents; nor did this injure the girls' prospects of marriage after-

[1] Kohler, citing official reports, *Zeits. vergl. Rechtsw.* xiv. 417, 416, 418, 433, 445; Steinmetz, 432, 433; Brandeis, *Globus*, xci. 76. In Yaluit, however, the penalty for adultery with a chief's wife is death; and where a chief is married to a lady of high rank and exercises his undoubted privilege of an amour with any woman of his tribe, his wife will not seldom put her to death, which apparently she has a right to do. In both cases the offence is really a kind of *lèse-majesté*.

[2] Christian, 74.

[3] West, 270, 260. *Cf.* Mariner, ii. 141 *sqq.*

wards. Frequently a number of young men and girls lived together in a large house, probably one of the bachelors' houses common in the East Indies. Marriage was monogamic, but divorce was easy and of frequent occurrence, the children and household property being always retained by the wife. If a woman discovered her husband to be unfaithful, with the aid of the other women of the village armed with spears he was chased from the house, his growing crops were destroyed, the contents of the house were appropriated and the house itself sometimes pulled down. On the other hand the husband had no redress against his wife for her unfaithfulness though he might chastise her paramour.[1]

Motherright is the rule on the islands of Leti Moa and Lakor. Sexual intercourse previous to marriage is free, but secret. The fidelity of the married women is renowned. To speak to a married woman save in her husband's presence is forbidden, and renders the man who does it liable to a fine to her husband her family and the chiefs. Divorce however is easy. It can be obtained for the wife's adultery, or for illusage on the part of the husband, or to avoid disputes. A great religious festival is held yearly at the time of the eastern monsoon to implore from Grandfather Sun, the chief Nature Spirit, rain and plenty of food and drink cattle children and riches. It lasts a month. The nunu-tree is sacred. Grandfather Sun comes down into it to fertilise Grandmother Earth, and the people must await his coming and take part in his enjoyment with dances and saturnalia. In former years it was an essential part of the rite that

[1] W. E. Safford, *Amer. Anthrop.* N. S. iv. 715.

men and women had promiscuous intercourse in public.[1] The same festival with the same rite is celebrated also on the islands of the Babar Sermata and Luang group. The men of Luang too go for months together on journeys, and the wives left behind very often forget them. Some indeed lay themselves out to seduce the men who remain, especially strangers, so as to profit by their fines on their husbands' return. For on all these islands any jealousy that may be entertained by a husband is not due to the injury inflicted on his wife's virtue by her infidelity, or to the loss of her affection; nor of course is it the contamination of the blood of her descendants, since the mother alone counts as the source of kinship. It is simply and solely because she is regarded as property.[2] The people of the Timorlaut islands, who are, as we have seen, on the border-line between motherright and fatherright, are by no means faithful spouses. The men make great use of magical means to excite love on the part of the women whom they desire. The favourite prescription is a philtre composed of finely chopped roots mixed with lime prepared by the lover himself, and believed to be extremely potent. It is forbidden therefore to unmarried men to prepare lime, though it is universally made use of for chewing with pinang. Inasmuch as sexual intercourse is free to the unmarried and always precedes marriage, it is obvious that this prohibition is not aimed at the seduction of unmarried girls. Husband and wife

[1] Riedel, 370, 384, 387, 390, 372.

[2] Van Hoëvell, *Int. Arch.* viii. 134; Riedel, 314, 325, 323, 335, 351. As to the general meaning of the rite and the festival above referred to see Frazer, *G. B.* ii. 205.

however are said to live on good terms with one another despite the prevalent infidelity. The wife may indeed be divorced for adultery, and in that event the bride-price must be repaid. But she must not be struck, otherwise her relatives will interfere and avenge her. She may on the other hand beat her husband with a stick without being liable to any penalty. If he illuse her she may leave him and take the children with her, nor can he obtain repayment of the bride-price.[1]

On the Poggi Islands off the west of Sumatra it is said the marriage contract is unknown. The sexes cohabit at will and the children belong exclusively to the mother. The father indeed is for the most part unknown, and in any case has never any right to them.[2] This is probably a somewhat highly coloured picture. But it conveys the idea of a matrilineal society in which the marriage-tie is extremely weak, and change of spouse is frequent. With equal emphasis travellers and others who have come into contact with the natives of Borneo speak of the dissoluteness of various tribes of Dyaks. Thus of the Dyaks of the Syang district Schwaner declares that fidelity in marriage is in the eyes of both parties a chimera; of the Kampong of Dengan Kamai in the Katingan river-basin he reports that the men and women live mostly in promiscuous intercouse, and of the Olo Ot in the interior of Koetei that no marriage contract is entered into. Kater says that among the Dyaks of Sidin in the western division of Borneo a woman may have more than one

[1] H. O. Forbes, *J. A. I.* xiii. 20; Riedel, 302.

[2] Wilken, *Verwantschap*, 672 note, citing *Tijdschrift voor Ind. T. L. en Vk.* iii. 327.

husband and that the women make use of the privilege without being the less respected on that account or without making any secret of it. It is certain, says Schwaner, that in the districts of Dusun, Murung and Syang the marriage bond is as lightly broken as it is commonly entered into without consideration and merely for the temporary gratification of appetite: a married pair separate easily and each of them enters as easily and thoughtlessly into a new bond. The laws are often strict against adultery; but they are not used for the purpose of enforcing chastity by wives, whose peccadilloes are winked at if not encouraged, in order that compensation may be extracted from their paramours.[1] The accounts of the natives of Borneo are often very fragmentary, and all of the foregoing may not reckon descent through the mother. If not, they enforce all the more strongly the argument of this chapter. The Orang Ot, one of the aboriginal tribes, have never been observed by any European traveller. Living in the inaccessible mountain-ranges of the interior they are very shy, and we only know them from reports of the other natives. So far as it is possible to judge from these reports they are in the stage of motherright. The girls choose their husbands and make the first advances; the nuptial tie is very loose, "the sexes satisfying their desires as soon as time and opportunity allow."[2]

Divorce is very common among the Khasis and Syntengs. It may be occasioned by a variety of causes,

[1] Wilken, *Verwantschap*, 735 note, 748.

[2] Ling Roth, ii. cxcvii. transcribing Schwaner's Notes. The same traveller reports very unfavourably of the sexual morality of the inhabitants of Melanhoei District in the Kahaijan river basin; but his remarks are vague and inconclusive.

such as adultery barrenness incompatibility of temperament and so forth, or simply by agreement. Easy though it may be some formalities are necessary, and among the Khasis public proclamation is made by a crier through the village in these terms: "Hear, O villagers, that U. and K. have become separated in the presence of the elders. Hei! thou, O young man, canst go and make love to K. for she is now unmarried; and thou, O spinster, canst make love to U. Hei! there is no let or hindrance from henceforth." Either party is then free to marry again, but they cannot re-marry one another. So common are the divorces that the children are in many cases ignorant of even the names of their fathers.[1]

Ancient authors record similar traits in the manners of the barbarous nations with which they came into contact. The Massagetai married each one a wife, but if we may believe Herodotus they had their wives in common. When a man desired intercourse with a woman all he had to do to avoid interruption was to hang up his quiver in front of the waggon.[2] The historian attributes a parallel device to the Nasamonians of Libya. Each man, he says, has many wives, and they have intercourse with them in common, each leaving his staff at the door when he goes to visit a woman.[3] According to Strabo the people of Arabia Felix practised fraternal polyandry, and the several husbands adopted the same plan to secure privacy with the common wife.[4] When a Nasamonian married for the first time his bride was required to submit to intercourse with all the guests,

[1] Gurdon, 79, 81.
[2] Herodotus, i. 215.
[3] *Id.* iv. 172.
[4] Strabo, xvi. 4, 25.

receiving from every one in turn a gift. The Augilæ, like the Nasamones a Cyrenaic tribe, and the Balearic Islanders had the same wedding custom.[1] The Auseans about Lake Tritonis were said not to marry but to have intercourse like cattle. In regard to the children Herodotus is obscure; but we gather that they were at a certain age brought before an assembly of the adult men and there one or other of the men was formally recognised as the father.[2] The women of the Gindanes wore leathern anklets, one, it was said, for every man with whom she had had intercourse; and the more she had the higher she was esteemed, as having been loved by a greater number of men.[3] Strabo following Artemidorus reports that among the Troglodytæ, a nomadic tribe near the east coast of Africa, the women and children, except those of the chiefs, were held in common; the penalty for intercourse with a chief's wife was a sheep.[4]

Julius Cæsar attributes to the Britons a species of marriage which appears to be a combination of polyandry and polygyny. Every ten or twelve men, he says, had wives in common. Usually such men were brothers or fathers and sons. But the children born of these unions were reckoned to the husband who first married the mother as a virgin.[5] This passage has been the subject of discussions into which we need not enter. The essential thing for our purpose is that the sexual relations of the women were such that the actual paternity of any of their children

[1] Pomponius Mela, i. 8; Diodorus Sic. v. 1.

[2] Herod. iv. 180. A similar account is given by Mela (i. 8) of the Garamantæ.

[3] *Id.* 176.

[4] Strabo, xvi. 4, 17.

[5] Cæsar, *De Bell. Gall.* v. 14. *Cf.* Dion Cassius, xvi. 12.

must have been difficult to determine, at all events within a narrower range than ten or twelve men, and the nominal husband was the reputed father. If this was the standard of morality in the comparatively civilised regions of southern Britain we cannot be surprised to find that in the wilds of Caledonia among the Picts, a matrilineal people, the women consorted openly with the best warriors.[1] The ancient Irish, if Strabo's information may be trusted, were laxer still: he paints them as more abandoned than the Kamtchadals or the Koryaks. They had intercourse, and that openly, with women including their own mothers and sisters.[2] Whether this be strictly accurate or not (and the geographer intimates his own doubts on the subject) their voluminous sagas, put into literary shape in a much later age, testify to morality by no means exalted. They practised the hospitable custom of providing a temporary bedfellow for a guest—a custom not abandoned as late as the sixteenth century. When Cuchulainn and the heroes of Ulster sought the abode of Maive, queen of Connaught, and her husband Ailill to have their quarrels adjudged, thrice fifty maidens were placed at their disposal for the nights; and Findabair, daughter of Ailill and Maive, fell to the lot of Cuchulainn. Before he left, however, Maive herself was wont to resort to his stead.[3] Moreover Conchobar, king of Ulster, not merely exercised the *jus primæ noctis* over the daughters of all his subjects,

[1] Dion Cassius, lxxvi. 16. [2] Strabo, iv. 5, 4.

[3] *Irish Texts Soc.* ii. 69, 81. See the adventure of the Bishop of Valence, a French emissary to Ireland in the year 1547–8, quoted by Froude, *Hist. Eng.* v. 74 note, from *Memoirs of Sir James Melville*.

but every man in Ulster gave him hospitality at night and caused him to lie with his wife. The same royal right is reported of other Irish monarchs.[1] Accounts hostile, it is true, but not altogether destitute of credibility represent, both in the reign of Henry II. at the time of the first conquest and at the commencement of the Elizabethan troubles, a state of society quite inconsistent with the observance of the marriage laws known to the writers.[2]

Both Greek and Scandinavian stories of the gods are full of traces of sexual relations indicating a very imperfect development of jealousy among those divine beings, the reflection doubtless of their worshippers' behaviour at the times when the stories came into being. Among the Scandinavians, even in historical times,

[1] D'Arbois de Jubainville, *L'Epopée Celt.* i. 7, 29.

[2] Girald. Cambr. *Topog.* iii. 19; Froude, *Hist. Eng.* vii. 103, quoting a report to the Council, 1559, preserved among the Irish MSS. in the Rolls. A curious tale is told by Martin, writing on the Hebrides in the early years of the eighteenth century, illustrative of the morality of the islanders of Rona near Lewis. "When Mr. Morison the minister," it runs, "was in Rona two of the natives courted a maid with intention to marry her; and [she] being married to one of them, afterwards the other was not a little disappointed, because there was no other match for him in this island. The wind blowing fair, Mr. Morison sailed directly for Lewis, but after three hours' sailing was forced back to Rona by a contrary wind; and at his landing the poor man that had lost his sweetheart was overjoyed, and expressed himself in these words: 'I bless God and Ronan that you are returned again, for I hope that you will now make me happy and give me the right to enjoy the woman every other year by turns so that we both may have issue by her.' Mr. Morison could not refrain from smiling at his unexpected request, chid the poor man for his unreasonable demand and desired him to have patience for a year longer, and he would send him a wife from Lewis; but this did not ease the poor man, who was tormented with the thoughts of dying without issue" (Martin, *Description*, 23).

the marriage-bond was loose and chastity was not very seriously regarded. But we have no actual record of legal polyandry. The case of Greece is different. According to Polybius polyandry was customary at Sparta, where three or four men, or even more if they were brothers, were the husbands of the same woman. Unlike the British custom, the children we learn were reckoned to the brothers in common. The custom by which old men having young wives lent them to sturdy young men whom they picked out for the purpose of begetting beautiful children long continued to be observed. It shows the Spartans as more anxious to secure for their children handsome and healthy parents than themselves to beget them. According to the current story Lycurgus went further. He favoured the lending of wives by others than old men and apparently even overtures by women, though perhaps not without marital consent. Thus their very tolerant sexual code and the complaisance of Spartan husbands were sheltered beneath the authority of the mythical legislator. Nor, if we may judge by Aristotle's animadversions, were the women at all inclined to allow his statutes to remain a dead letter.[1]

[1] Polybius, xii. 6; Plut., *Lycurgus*; Xenophon, *Rep. Laced.* i.; Aristotle, *Pol.* ii. 9. Aristotle relates that according to tradition the licence of the women was due to their having successfully resisted Lycurgus' efforts to control them by law.

In classical times the legend ran that Cecrops first instituted monogamy at Athens; before his time connections had taken place at random, men had had wives in common, and people did not know who their fathers were because of the number of possible parents (Athenæus, xiii. 2, quoting Clearchus of Soli). This is obviously, as Miss Harrison (*Prolegomena*, 262) says, a confused tradition of motherright (which we have already found reason to

Customs of a similar character obtained, if we may believe classical writers, in other barbarous nations. It must be remembered that they are not recorded with anthropological exactitude; they are told of nations often imperfectly known to the writer; in many cases the statements are founded on reports by travellers and others incompetent, for various reasons, to give an accurate account. Yet with full allowance for all these objections, there emerges a body of evidence proving that in ancient times the cultured nations of the Mediterranean basin were surrounded by peoples, many of which displayed the same bestial or philosophic indifference to the actual paternity of their offspring as is found among backward peoples in almost all parts of the world. Nor was this indifference confined to savage and semi-savage tribes. The ancestors of some of the Greeks were related to have shared it, and we may suspect that all did so. The customs of Athenians as well as Spartans, even in historic times, were witness to it. This is not all. Among the many relics of lower stages of culture found in the luxurious cities of Western Asia their sexual customs were conspicuous.

believe at one time prevailed at Athens) rather than trustworthy testimony of polyandry. My argument does not require me to insist that motherright is always accompanied by promiscuity or even what we should call laxity of morals. We know that it is not. But the law attributed to Solon and discussed in an earlier chapter probably was a survival and a limitation of a more extended freedom allowed to women. If this be so, light is shed on the tradition recorded by Clearchus; and we may therefore be justified in suspecting the primitive Athenians of a social condition in which women changed their mates at will, and perhaps retained none of them long: a condition inconsistent, it is needless to say, with any effective masculine jealousy.

Lucian relates that at Byblus, at the annual mourning for Adonis, the women performed the well-known mourning rite of cutting off their hair. Any woman who refused to do this was required to exhibit herself on one day of the festival and undergo prostitution to one of the strangers who resorted thither, handing over the price to the goddess called by Lucian the Byblian Aphrodite.[1] This was an annual rite. Presumably at other times the woman preserved her chastity. But if we may trust the ecclesiastical historian Socrates the women of Heliopolis (Baalbec) were, down to the establishment of Christianity, required by the law to be common, so that the offspring were doubtful, for there was no distinction between fathers and children: a social condition which Constantine abolished.[2] If we may believe Theopompus the historian (who wrote in the time of Alexander the Great), as quoted by Athenæus, a similar law governed the relations of the sexes among the Etruscans. He gives shameful details of their licentiousness, in the course of which he states that they brought up all the children that were born, nobody knowing who was the father of any child, and that the children imitated their elders in their frequent feasts and their intimacy with all the women.[3]

But it is not only matrilineal peoples who are thus careless of the chastity of their women or the actual paternity of their children. Matrilineal freedom has often survived into fatherright in more or less

[1] Lucian, *De Dea Syria*, 6.

[2] Socrates, *Hist. Eccl.* i. 18. In more general and rhetorical terms Eusebius, a contemporary witness, testifies to the same effect, *Vita Const.* iii. 58). See my paper in *Tylor Essays*, 192.

[3] Athenæus, *Deipnos.* xii. 14.

abundant measure. Illustrations of this indifference have been given in a previous chapter to show that uncertainty of paternity cannot be the cause of the reckoning of descent exclusively through the mother. The special object of those that follow is to show that the insistence on chastity is not a necessary consequence of the change of reckoning. That alone does not impose a higher standard of sexual virtue. It is the transfer of *potestas* to the husband (a gradual process commencing under motherright) which authorises him either to keep his women to himself or to dispose of them to other men at his own pleasure; and subject to this they are often free. The *potestas* also is limited among many peoples by religious motives. What we should consider violations of chastity are commanded as religious duties; and neither the husband nor the woman herself has any right to withhold her person from sexual intercourse on special occasions or with special persons.

We may first consider a few cases in which the reckoning of kinship is undergoing transition or is made through both parents. Of South African Bantu the Herero are just passing from motherright to fatherright. Before marriage sexual intercourse is free. Yet some value is placed on virginity, and to secure it children are betrothed in infancy, after which on both sides chastity must be observed. The child of an unmarried girl belongs to the begetter if he choose to acknowledge it. In such a case it is treated well but excluded from the inheritance. No compensation is payable for the seduction of an unmarried girl. Adultery on the part of a wife is the source of quarrels. The seducer is liable to pay the husband

compensation; the wife may be repudiated but cannot be punished. On the other hand a husband will lend his wife in consideration of a present. Sometimes men will enter into a sort of partnership by which they hold their wives and cattle in common. The children however in all cases belong to the legitimate husband. This is a well recognised institution and is known as *Oupanga* (friendship).[1]

On the Ambon and Uliase Islands two kinds of marriage exist, depending on the payment or non-payment of a bride-price, and the children belong either to the husband's or to the wife's family accordingly. The people are reported to be libidinous, and, as in other parts of Indonesia, intercourse regulated strictly by law is looked upon as something unnatural. Satisfaction of sexual passion is deemed equally proper with that of hunger and thirst. Girls have free intercourse with old and young men, even before puberty, to such an extent that it is a shame to have few or no lovers. In this way they make acquaintance which ends in marriage with one or other of their admirers. It is true that an adulterer was liable forthwith to be put to death, but only when caught in the act, a contingency which probably did not very often occur. Divorce did not exist until European rule forbade the offended husband this summary vengeance. It is now decreed by the chief on proof of adultery continual disagreement ill-usage and the like. Some of the population are Mohammedans: in free and unlimited sexual intercourse they surpass all the rest.[2] The

[1] Kohler, citing various authorities, *Zeits. vergl. Rechtsw.* xiv. 304, 309, 298; Meyer, 56, 57, 62, 63.

[2] Riedel, 41, 67, 71.

practice of capture (or rather elopement, for it seems to have been preceded by an understanding with the bride) and the exaction of a bride-price have, we may conclude, developed the *patria potestas*. Sexual intercourse is free to the unmarried also on the Keei or Ewaabu Islands and is usual. The women formerly lived in polyandry and the children belonged to the mother; but women were captured in war and were regarded as the property of their captors, the children following the father. This is the traditional manner of accounting for the change from uterine to agnatic kinship. At the present time marriage is entered into either with or without payment of a bride-price; and the reckoning of children to the father or mother depends on the payment. The husband has the right to send his wife away for adultery: the bride-price must then be repaid. If this cannot be done, her family unite to bring the pair together again. Many of the people are Mohammedans; but their knowledge of Islam is very defective.[1] Matrimonial institutions therefore appear to be undergoing a parallel evolution to those of the Ambon and Uliase islanders.

The Eskimo reckon kindred along both lines of descent. In spite of the vast extent of shore-line along the Polar Sea over which they are scattered their manners have a general resemblance. Infant betrothal is not uncommon, but as a rule the selection of a wife is made by a man after attaining puberty and giving proof of ability to support a family by his success in hunting and fishing. The lady usually feigns or feels aversion, and force is used to compel her. Polygamy is recognised, but is perhaps not very common,

[1] Riedel, 219, 235, 236, 299.

"They conduct their marriage," says Crantz of the Greenlanders, "with tolerable good order; at least they have art enough to conceal the breaches of conjugal fidelity, so that but little of it transpires. Yet it never passes over without angry looks and words on both sides, and sometimes the woman gets a black eye; which is the more remarkable, as the Greenlanders otherwise are not quarrelsome or prone to strike. Neither is the matrimonial contract so irrevocable with them, but the man may put away his wife, especially if she has no children. This he does with little ceremony; he only gives her a sour look, marches forth and does not return home again for several days. She perceives his meaning directly, packs up her clothes and removes to her own friends. Afterwards, in defiance to him, she demeans herself as prudent and agreeable as possible, to bring an odium upon him. Sometimes a wife elopes of her own accord if she can't agree with the other females in the house; . . . But neither of these separations often occurs if they have had children together, especially sons, for sons are the Greenlander's greatest treasure and the best security of their subsistence. In case of separation they always follow the mother, nor are they to be prevailed on even after her death to return again to the father to support him in his old age." Discussing the moral character of the people in a later passage the same author, perhaps with a missionary's natural austerity, says: "Neither does their plausible outside modesty go far. I will not be particular about their young single people, because among them there are the fewest open breaches of chastity, though they are as filthy in secret as other nations; but as to the grown-

up, it is certain their polygamy does not always spring from a concern for population, but mostly from lust. Moreover there are some women that are whores by profession, though a single woman seldom prostitutes herself to this scandalous trade. But as for the married people, they are so shameless that if they can they break the matrimonial obligation on both sides without a blush."[1] If we assume, as perhaps we may, that the "scandalous trade" referred to had arisen from contact with Europeans, the rest of the foregoing account may well stand for a fairly correct presentation of native manners. Egede, who was a missionary to Greenland for several years beginning in 1721, amply confirms it. He notes with some surprise that "the most detestable crime" of polygyny, though prevalent, caused no jealousy among the wives before the missionaries taught them its wickedness. Nor can jealousy have had a much deeper hold of the men. He describes by way of illustration a "game," at which after feasting singing and dancing, the men one after another disappeared behind a curtain with each other's wives. "Those," he says, "are reputed the best and noblest tempered who without any pain or reluctance, will lend their friends their wives. . . . Especially the women think themselves happy if an *angakok*, or prophet, will honour them with his caresses. There are even some men so generous that they will pay the *angakok* for it; chiefly if they themselves have no children; for they fancy that an *angakok's* child will be more happy and better qualified for business than others."[2] The game referred to by Egede is similar to the lamp-extinguishing game

[1] Crantz, i. 157, 158, 159, 161. [2] Egede, 140 *sqq.*

described by other writers, one of whom says that a good host always has the lamps put out at night when there are guests in the house.[1]

Among some Eskimo polyandry has been alleged to exist, and there seems to be foundation for the statement.[2] "A strange custom," writes Dr. Boas, concerning the Eskimo of Davis Strait and Cumberland Sound, "permits a man to lend his wife to a friend for a whole season or even longer, and to exchange wives as a sign of friendship. On certain occasions it is even commanded by religious law. Nevertheless I know of some instances of quarrels arising from jealousy. Lyon states, however, that this passion is unknown among the Iglulirmiut [of Baffin Land]. The husband is not allowed to maltreat or punish his wife; if he does she may leave him at any time, and the wife's mother can always command a divorce. Both are allowed to remarry as soon as they like, even the slightest pretext being sufficient for a separation." A friend on a visit for a season is accommodated with the loan of one of his host's wives if the latter have more than one. At the great religious feast of the autumn, the object of which is to drive away the evil spirits and procure fine weather for the coming winter, two gigantic masked figures appear. Silently with long strides they "approach the assembly, who screaming press back from them. The pair solemnly lead the men to a suitable spot and set them in a row, and the women

[1] Nansen, 169. Is this the same custom as referred to by Schell, *Globus*, xciv. 86? According to him it would seem too that the Eskimo of East Greenland are matrilineal.

[2] Nansen, 145, cites from Nils Egede a case of a woman who had two husbands; but both she and they were *angakut*.

in another opposite them. They match the men and women in pairs, and these pairs run, pursued by the *qailertetang* [masked figures], to the hut of the woman, where they are for the following day and night man and wife. Having performed this duty the *qailertetang* stride down to the shore and invoke the good north wind, which brings fair weather, while they warn off the unfavourable south wind. As soon as the incantation is over, all the men attack the *qailertetang* with great noise." They pretend to kill them. Presently however they are restored to life and are consulted as oracles by the men about the future.[1]

Jealousy is said to be more developed among the Eskimo of Hudson Bay. "Monogamy is generally the rule, but as there are so many counteracting influences it is seldom that a man keeps a wife for a number of years. Jealousy, resulting from laxity of morals, produces so much disagreement that one or the other of the parties usually leaves with little ceremony. In rare instances, where there is a compatibility of temper and a disposition to continence, the pair remain together for life. Many of the girls bear children before they are taken for wives, but as such incidents do not destroy the respectability of the mother, the girl does not experience any difficulty in procuring a husband. Illegitimate children are usually taken care of by some aged woman, who devotes to [them] all her energies and affections." Elsewhere the same writer describes the intrigues to which the *angakok* lends himself for the purpose of gratifying the desires

[1] Boas, *Rep. Bur. Ethn.* vi. 579, 581, 605 (*cf.* 606, 608); *Bull. Am. Mus. N. H.* xv. 141. The custom of exchanging wives appears in the traditional tales, *e.g.*, *Ibid.* 225.

of men or women for change of spouse, and adds: "The shaman may do about as he pleases with the marriage ties, which oftener consist of sealskin thongs than respect and love."[1]

With regard to temporary exchanges similar to those of other Eskimo at festivals, Dr. Boas, writing of shamanistic performances among the Eskimo of the western coast of Hudson Bay, says: "It seems that the incantations of the *angakut* [pl. of *angakok*] are always performed in the evening. After each of these ceremonies the people must exchange wives. The women must spend the night in the huts of the men to whom they are assigned. If any woman should refuse to go to the man to whom she is assigned she would be sure to be taken sick. The man and the woman assigned to him, however, must not be near relations."[2] The more westerly Eskimo of Point Barrow make a great many changes before they settle down to a permanent union. They are also in the habit of exchanging wives for a period. "For instance, one man of our acquaintance planned to go to the rivers deer-hunting in the summer of 1882, and borrowed his cousin's wife for the expedition, as she was a good shot and a good hand at deer-hunting, while his own wife went with his cousin on the trading expedition to the eastward. On their return the wives went back to their respective husbands. The couples sometimes find themselves better pleased with their new mates than with the former association, in which case the exchange is made permanent. This happened once in Utkiavwiñ to our certain knowledge. This

[1] Turner, *Rep. Bur. Ethn.* xi. 178, 188, 189, 199, 200.

[2] Boas, *Bull. Am. Mus. N. H.* xv. 158.

custom has been observed at Fury and Hecla straits, Cumberland Gulf, and in the region around Repulse Bay, where it seems to be carried to an extreme. According to Gilder it is a usual thing among friends in that region to exchange wives for a week or two about every two months." The writer from whom I here quote adds: "I am informed by some of the whalemen who winter in the neighbourhood of Repulse Bay that at certain times there is a general exchange of wives throughout the village, each woman passing from man to man till she has been through the hands of all and finally returns to her husband."[1]

Among the Eskimo about Bering Strait "a man may discard a wife who is a scold or unfaithful to him, or who is niggardly with food, keeping the best for herself. On the other hand, a woman may leave a man who is cruel to her or who fails to provide the necessary subsistence. When a husband finds that his wife is unfaithful he may beat her, but he rarely revenges himself on the man concerned, although at times this may form an excuse for an affray where enmity had previously existed between the parties. An old man told me," says Mr. Nelson, "that in ancient times, when the husband and a lover quarrelled about a woman, they were disarmed by the neighbours and then settled the trouble with their fists or by wrestling, the victor in the struggle taking the woman. It is a common custom for two men living in different villages to agree to become bondfellows, or brothers

[1] Murdoch, *Rep. Bur. Ethn.* ix. 412, 413. This writer says, "We never heard of any of the licentious festivals or orgies described by Egede and Kumlien" (*Ibid.* 375). This negative evidence is not conclusive in view of the general practice of the Eskimo elsewhere.

by adoption. Having made this arrangement, whenever one of the men goes to the other's village he is received as the bond-brother's guest and is given the use of his host's bed with his wife during his stay. When the visit is returned the same favour is extended to the other; consequently neither family knows who is the father of the children. . . . It is frequently the case that a man enjoys the rights of a husband before living regularly with the woman he takes for a wife, and nothing wrong is thought of it, unmarried females being considered free to suit themselves in this regard." The same writer describes the pairing at the autumnal festival in terms slightly different from those already quoted concerning the Central Eskimo, whence it would appear that sometimes, at all events, the choice of partners is not wholly at the will of the shamans. During the February moon another festival is held in honour of the dead and to obtain a good supply of game and food. It is called the Doll Festival, from a wooden doll or image of a human being, which is the centre of certain ceremonies in the *kashim*, or assembly-house. "During the continuance of the festival the namesakes of dead men are paired with namesakes of their deceased wives without regard to age, and during this period the men or boys bring their temporary partners firewood, and the latter prepare food for them, thus symbolising the former union of the dead."[1]

A kind of thanksgiving ceremony is performed

[1] Nelson, *Rep. Bur. Ethn.* xviii. 292, 360, 379, 494. The custom of bond-brotherhood, which is not uncommon in other parts of the world, generally entails community of wives (*cf.* Post, *Studien*, 32).

by the Asiatic Eskimo at certain times. It is called the "ceremonial of going around" and consists in a number of persons of both sexes turning sunwise a horizontal wheel fixed to an upright pole and singing to the beating of the drum. They go faster and faster until having wrought themselves up to a pitch of excitement they leave the wheel, and the men, still running in the same direction, chase the women all over the house. Every man has the right to sleep that night with the woman he may have succeeded in catching.[1]

In the face of these customs it can hardly be suggested that the Eskimo in general pay any regard to the chastity of their wives or the real paternity of their children. Jealousy, it is true, is more developed in some communities than others; but it does not succeed in preventing or materially reducing libertinage. Its only result is to multiply the changes of mate. On the other hand, the religious festivals and social observances of the race express and stimulate the fickle passions of both sexes. The reckoning of lineage through the father, so far as it obtains, means no more than the reckoning of patrilineal peoples through the mother's husband, the actual father being unimportant for any purpose.

In the greater part of Melanesia descent is uterine and the people are divided into two or more exogamous classes. Dr. Codrington, after a full discussion of this organisation and of Melanesian society, arrives at the conclusion that there is reason to believe that in the exogamous divisions there are traces of a communal system of marriage. In practice on most of the islands,

[1] Bogoras, *Jesup Exped.* vii. 402.

in spite of the laxity between boys and girls such as we have found elsewhere, female chastity is more highly valued than is usual in matrilineal societies. The islands, however, are not all alike in this respect. It is noteworthy that two of the worst are Ugi and San Cristoval (two of the Solomon Islands) where uterine has given way to agnatic descent.[1]

Infant betrothals are very common throughout the islands among the higher ranks of society, and virginity is probably preserved in such cases. Adultery was very strictly punished, yet on several of the islands compromise by payment was possible. On the other hand, divorce is easy and common, and is effected at the will of either party. Cases occur in the Banks Islands where a husband "connives at his wife's connection with another man. This is not counted adultery because it is allowed;" but it is thought discreditable. The use of women given by way of hospitality according to the custom already mentioned would not of course be regarded as adultery for the same reason.[2] On the Solomon Islands we are told conjugal fidelity is usually preserved within the limits of the same community, but the men of Santa Anna exchange wives with those of San Cristoval for a time and then take them back, restoring them to their original position in the home.[3] In the Fiji Islands "all the evils of the most licentious sensuality are found," though it is fair to add that "voluntary breach of the marriage contract is rare in comparison with

[1] Codrington, 21, 22, 27 *sqq.*, 235; F. Elton, *J. A. I.* xvii. 93, 95; Guppy, 43; R. Parkinson, *Int. Arch.* xi. 199.

[2] Codrington, 237, 243, 244, 246.

[3] Guppy, 43.

that which is enforced." A chief sometimes gave up the women of a town to a company of visitors or warriors. Compliance was compulsory; but the wives were required to disclose it to their husbands, otherwise they would be punished.[1]

In the northern New Hebrides, during the ceremonies of initiation into the secret society of the Qatu, "if the women assemble, as they do, to hear the singing in the enclosure where the neophytes are being taught it is an allowed custom for men to carry them off and ravish them."[2] It may be said that this is punishment for prying; but if the object were to prevent prying greater care would be taken, as among the Australian natives, to keep the women at a distance. It seems rather to be part of the proceedings. As such it must be well known to the women and does not deter them. In the Wainimala District of Viti Levu, Fiji, fatherright prevails. A secret society (according to another account two secret societies) existed until a few years ago, into which the youths were initiated with elaborate ceremonies. At one stage in the proceedings the women were summoned and entered the *nanga*, or sacred enclosure, which was at all other times forbidden to them. They entered on all fours, and after a short ceremony by the chief priest, returned in the same way. As soon as they emerged from the *nanga* the men, who had been hitherto concealed, rushed upon them with a sudden yell, and an indescribable scene ensued. "All my informants agree," says Dr. Fison, "in stating that the men and women address one another in the filthiest language, using expressions which would be

[1] Williams, *Fiji*, 115, 147. [2] Codrington 87.

violently resented on ordinary occasions, and that from the time of the women's coming to the *nanga* to the close of the ceremonies very great licence prevails." Nor is this the only occasion. When a chief's son is circumcised a great feast follows, ushering a period of revelry. "All distinctions of property are for the time being suspended. Men and women array themselves in all manner of fantastic garbs, address one another in the most indecent phrases and practice unmentionable abominations openly in the public square of the town. The nearest relationships—even that of own brother and sister—seem to be no bar to the general licence, the extent of which may be indicated by the expressive phrase of an old Nandi chief, who said 'While it lasts we are just like the pigs.' This feasting and frolic may be kept up for several days, after which the ordinary restrictions recur once more. The rights of property are again respected, the abandoned revellers settle down into steady-going married couples, and brothers and sisters may not so much as speak to one another."[1]

The Melanesian husband pays a bride-price for his wife; he takes her to his own home; and his *potestas* is highly developed even where motherright prevails. The woman occupy quite a subordinate position; and on the whole it may be said that jealousy on the part of the husband seems to arise from his sense of property, rather than from any other cause. His property is not infringed by the voluntary lending of

[1] Fison, *J. A. I.* xiv. 24, 28. Another account of these ceremonies by Mr. Adolph B. Joske of Fiji varies in some particulars from Dr. Fison's account and does not admit the licence (*Int. Arch.* ii. 254). Independent inquiry, however, as stated below, confirms the correctness of Dr. Fison's information.

wives as an expression of hospitality. But it is suspended at feasts or at the will of the chief in some of the islands, as part of certain ceremonies in others. The ritual licence just described in Fiji is expressly recognised as a suspension of property in women as in other things. Independent inquiry has elicited the confirmation of Dr. Fison's account of the circumcision ceremonies. The details are described as unfit for publication; but Dr. Tylor quotes from them an expressive phrase to the effect that on the fourth day, when food is no longer *tabu* but permitted, and the great feast is prepared, "it is said that there are no owners of pigs or women."[1]

The inhabitants of the Barito river basin in the south of Borneo are addicted to feasts of a more or less religious character. They last for several days at a stretch and are the occasion of much licentiousness.[2] The Kenniahs in British North Borneo have a festival called *Bunut* in honour of the fertility of their women and of the soil. After certain ceremonies, including auguries and prayers to their God Laké Ivong, to come and bring the soul of the paddy seed, what is described as "a downright indecent rough and tumble" follows, in which men and women boys and girls all indiscriminately join, pelting one another with rice boiled in soot and with filth. A naked man, with an idiotic simper on his face, wanders in and out among the revelling crew and the women are made to touch him as he passes. This is obviously a fertility charm.

[1] Fison, *loc. cit.*, note by Dr. Tylor. It is even stated in one account that tribal brothers and sisters are intentionally coupled, thus compelling what at other times would be deemed incest and as such deserving of the severest punishment.

[2] Ling Roth, *Sarawak*, ii. clxxiii, transcribing Schwaner's Notes.

The interpretation is confirmed, if confirmation be necessary, by the fact that the grossest licence is permitted during the short period of the orgy. It comes to an end in about a quarter of an hour. The verandah in which it takes place is deluged with water and one or two women, sliding about the slippery floor with hand-nets, make believe to scoop up the slush for fear the rice they have wasted may never return to them again.[1]

Among the Land Dyaks of Sirambau the Orang Kayas, or chiefs, according to St. John have many cases of adultery to settle, but these do not cause much excitement in the tribe: whence it is probably fair to infer that sexual morality is low, adultery common and easily atoned for. Such in fact seems to be the case, though they are reported to be more moral than the Malays. Divorces are very common, effected upon the slightest excuse; nor has a woman any difficulty in replacing a spouse whom she has lost or herself repudiated. Marriage is a business partnership for the purpose of having children, dividing labour and providing by means of offspring for old age. It is therefore entered into and dissolved almost at pleasure. Either party may, it need hardly be said, put away the other for adultery; but if a wife who gives this occasion for divorce be a strong useful woman her husband, instead of taking advantage of it, may accept from her lover a fine equal to twelve rupees and thus settle the matter.[2]

[1] Ling Roth, *Sarawak*, i. 415, transcribing Brooke Low's notes.

[2] St. John, i. 165, 166. Among other Dyaks there is jealousy. The wife will thrash her unfaithful husband, and the husband will thrash the paramour of an unfaithful wife. But divorce is effected

Sexual hospitality of the kind already referred to is provided by the Kyans and probably by some other tribes of Sarawak.[1] Among the Timorese of Dawan it is regarded as a great insult for a guest to refuse a wife or daughter offered to him by his host.[2]

The Malagasy may be said to have reached the stage of fatherright, but they retain visible traces of matrilineal descent. Their sensuality "is universal and gross, though generally concealed. Continence is not supposed to exist in either sex before marriage; consequently it is not expected and its absence is not regarded as a vice." Indeed so great is the desire for children that not merely is sterility regarded as a misfortune or an opprobrium, but a girl who has already become a mother is looked upon as an advantageous match. There is no word in the Malagasy language to express a virgin; the word *mpitòvo* commonly used means only an unmarried girl. The negative evidence of words is proverbially fallacious. If we had only that afforded by the absence of a word for virgin we might hesitate to believe in the common incontinence of unmarried girls in Madagascar. It is, however, abundantly attested by European observers.

simply by desertion, and on the slightest pretext. Many men and women marry seven or even eight times before they finally settle down. *Id.* 56.

[1] Ling Roth, *Sarawak*, i. 117, quoting Low. Bastian (*Indonesien*, iv. 24), apparently referring primarily to the Tandjoeng Bantang Dyak, states that the Dyak makes use of his wife to obtain wealth by means of compensation for her adulteries. But, as usual, his authority does not appear. From the interior of Peling he reports (*op. cit.* 43) a practice of hiring the wife to strangers; but this would seem rather a case of demoralisation arising from contact with strangers. Here again no authority is cited.

[2] Post, *Studien*, 345, citing Riedel.

After marriage a wife is supposed to be faithful, and one of the many causes of divorce is the suspicion of infidelity. Yet on the other hand we are told that every child is welcome in the family without too great a solicitude about its origin. When the husband is at home his wife wears no badge distinguishing her from an unmarried woman, but during his absence, especially if in the service of Government, she wears a necklace of silver rings or beads or of braided hair to denote that she is married and therefore her person is sacred. In case of prolonged absence however a husband will give leave to his wife to have intercourse with another man. There is a special Hova word, *saòdrànto*, for this leave. Its existence affords positive evidence that the idea expressed is familiar, and consequently that the practice is relatively frequent. Polygyny is practised, the first wife being usually consulted before a second is taken. Her refusal to consent is another of the many grounds of divorce. A Malagasy proverb compares marriage to a knot so lightly tied that it can be undone with the slightest touch. The power of divorce rests with the husband and may be exercised on very trivial occasions. On the other hand, by running away and refusing to return the wife can practically compel a divorce, though the husband may impose conditions with regard to property and, as we have seen in a previous chapter, with regard to children by a future husband: he can even divorce her in such a manner as to preclude her from ever marrying again. Among the Tanála, if a woman of noble birth marry a commoner he cannot divorce her, but she can divorce him. This may remind us of the privileges enjoyed by royal women on the continent of Africa

and elsewhere. The rights of an unmarried Malagasy queen resemble them still more. She may have "a family by whom she may think proper: the children are recognised as legitimately royal by their relation to the mother and no question made as to paternity." On certain festive occasions the licence was shameless. Such were the periodical times appointed by the Hova sovereigns for the performance of circumcision, and the celebration of a birth in the royal family. The grossest practices on the latter occasion were abolished by Radama I. on the urgent remonstrances of Mr. Hastie, the then British resident at the capital, who threatened to publish the facts in the *Mauritius Gazette* so that they might be known in Europe to the king's disgrace.[1] Among the Betsileo funerals are accompanied by general "prostitution."[2] A French traveller in the earlier half of the last century gives a graphic account of the way in which the hospitality of the Betanimena towards him extended to the offer of a young girl as temporary consort;[3] but it does not appear whether other Malagasy tribes practise this custom on the reception of strangers. Their opinions on the subject of chastity would certainly not stand in the way.

Brahmanism is gradually penetrating the immemorial practices of the non-Aryan population of the valley of the Ganges and its tributaries. By a convenient fiction the tribe is converted into a caste deriving its

[1] Ellis, *Hist. Mad.* i. 137, 167, 172, 150; Sibree, 252, 253, 254, 250, 217; Father Paul Camboué, *Anthropos*, ii. 983.

[2] van Gennep, *Tabou*, 158, citing the *Antananarivo Annual.*

[3] *Id. Tabou*, 45, quoting Leguével de Lacombe, *Voyage à Madagascar.*

origin from one of the recognised gods in the Hindu pantheon; its chief object of worship is represented as an avatar of one of the great deities; and its occupation is said to have been ordained by divine decree to commemorate some fact of its mythical history or by way of a curse for a petty imposition on the divine intelligence. By conforming in some measure to Hindu rites and prohibitions it struggles to obtain recognition in the social hierarchy. The struggle brings with it the change from uterine to agnatic descent unless that change have been previously effected. It involves the more complete subjugation of women, infant marriage, the insistence on female chastity, the abolition of divorce, the perpetuation of widowhood. Not every tribe as yet is thus revolutionised. Among a large number of the tribes, whether aboriginal Dravidians or later immigrants, relics of the old freedom enjoyed by the female sex are found. In such cases unmarried girls are frequently able to bestow their favours on whom they will, with or without the penalty of a feast to the tribesmen, subject usually to the condition that if found pregnant they must be married; and they have a voice, if not invariably an exclusive or a controlling voice, in the selection of their husbands. After marriage adultery within the tribe or caste is winked at or regarded as a venial weakness; nor is it a ground for repudiation by their husbands unless habitual or very open and proved by eye-witnesses of the actual fact. Divorce by either party is often easy. Ladies who have left their husbands, or whose husbands are dead, are free to marry again. Their unions, even where they are of a less formal character than that of a woman married

for the first time, are fully recognised, and their children suffer no disability. If not allowed to marry, such ladies are by no means always debarred from indulging their fancies in a less regular manner.[1]

It will be sufficient here to mention one of the tribes least affected by Hinduism, namely, the Santáls. The Santáls are a large Dravidian tribe, classed on linguistic grounds as Kolarian, which is found in Western Bengal, Northern Orissa, Bhágalpur and the Santál Párganas. They are divided into twelve exogamous septs descendible in the male line. These septs may be ascribed, though doubtfully, to a totemic origin. "Girls are married as adults mostly to men of their own choice. Sexual intercourse before marriage is tacitly recognised, it being understood that if the girl becomes pregnant the young man is bound to marry her." It is suggested that fraternal polyandry at one time existed. "Even now," says Mr. Skrefsrud, a "man's younger brother may share his wife with impunity, only they must not go about it very openly. Similarly a wife will admit her younger sister to intimate relations with her husband, and if pregnancy occurs scandal is avoided by his marrying

[1] The half-Brahmanised tribes and castes are so numerous and the details so varied that the general results of an examination of the details given by Mr. Risley relating to the population of Bengal and by Mr. Crooke relating to that of the United Provinces can only be stated here. Nor is it possible to compile accurate statistics, in consequence of the tendency of many of the castes to sub-division on minute points and the local differences of practice. Reference should be made to *The Tribes and Castes of Bengal* and *The Tribes and Castes of the North-Western Provinces and Oudh*, and to the Report of the Census of 1901. A distinct connection is traceable between the comparative freedom of women before and after marriage, though it is not invariable.

the girl as a second wife." Divorce at the wish of either husband or wife is merely a question of terms. It "is effected in the presence of the assembled villagers by the husband tearing asunder three sál-leaves in token of separation and upsetting a brass pot full of water."[1]

That curious and interesting people the Todas, inhabiting the Nilgiri Hills in Southern India, have long been known to practise fraternal polyandry. A woman married to a man becomes at the same time the wife of all his brothers, and even of brothers who may be born subsequently to the marriage. So far as the statistics collected by Dr. Rivers go the husbands are usually brothers in our sense of the word. But they are sometimes clan-brothers only, that is to say, men belonging to the same clan and the same generation. More rarely it seems men of different clans may have the same wife. When the wife becomes pregnant the eldest brother performs a ceremony the central rite of which is the giving to the wife of a miniature bow and arrow. This constitutes him for all social purposes the father of the child about to be born and of all future children until another of the husbands perform a similar ceremony. So strict is this rule that he will be regarded as the father of a child born long after his death if no other man have performed the ceremony in the meantime. But a woman is by no means limited to sexual intercourse with her formal husbands, nor are they limited to intercourse with their joint wife. Wives are often transferred from one husband, or one group of husbands, to another in exchange for a number of buffaloes. Moreover there

[1] Risley, i. 228, 229, 231.

is a well-recognised institution by which a woman becomes the formal mistress of a man who is not her husband. It is true that the consent of the husbands is required, but that is usually arranged without difficulty. A woman may have more than one of these lovers, and a man may have more than one mistress. Any children born of such unions are in law children of the regular marriage.

But we have not yet reached the limit of Toda licence. It is unnecessary here to discuss the dairy-cult which forms so large a part of Toda life, or to distinguish and describe the different ranks of officials who minister in that cult. Suffice it to say that although some of these officials are restricted from intercourse at certain places or on certain days with their own wives, on other occasions they are free to have commerce with any woman, or with any woman of the Tarthar group, one of the two endogamous groups or phratries into which the Todas are divided. Indeed, after the dairyman of a Tarthar dairy has served the office for eighteen years without a break, it is an indispensable condition of his continuance that he have ritual intercourse with a girl or young woman of the clan. She is brought for that purpose to a wood near the village whither he goes at the appointed time to meet her. When he is first inducted into office an old Tarthar woman takes part in the ceremony. She must be past the age of child-bearing and must never have had intercourse with one of her own clan. There seems some doubt as to the exact meaning of this qualification; but at any rate according to the evidence it is by no means easy to find a woman who fulfils the requirement. Dr. Rivers, in summing up the results

of his inquiries as to the sexual relations of the Todas, says: "There seems no doubt that there is little restriction of any kind on sexual intercourse. I was assured by several Todas not only that adultery was no motive for divorce, but that it was in no way regarded as wrong. It seemed clear that there is no word for adultery in the Toda language. . . . When a word for a concept is absent in any language it by no means follows that the concept has not been developed; but in this case I have little doubt that there is no definite idea in the mind of the Toda corresponding to that denoted by our word 'adultery.' Instead of adultery being regarded as immoral, I rather suspected, though I could not satisfy myself on the point, that according to the Toda idea immorality attaches rather to the man who grudges his wife to another. One group of those who experience difficulty in getting to the next world after death are the *kashtvainol*, or grudging people; and I believe this term includes those who would in a more civilised community be plaintiffs in the divorce court." After intimating his doubts whether the "widespread, almost universal abhorrence" of incest is shared by the Todas, he goes on to say: "So far as I could tell the laxity in sexual matters is equally great before and after marriage. If a girl who has been married in infancy but has not yet joined her husband should become pregnant, the husband would be called upon to give the bow and arrow at the *pursütpimi* ceremony and would be the father of the child, even if he were still a young boy, or if it were known that he was not the [actual] father of the child."[1]

[1] Rivers, 515, 319, 517, 518, 523, 526, 62, 68, 72, 78, 99, 103, 156, 505, 529, 530, 531.

Polyandry at one time seems to have been quite common in the south of India, and even now it is not wholly abandoned by some of the castes. A traveller at the beginning of the sixteenth century relates that at Calicut it was the custom for friends among the gentlemen and merchants to exchange wives; and among the other castes one woman had five six or seven, or even as many as eight husbands, each of whom spent a night with her by turns. Any children whom she had she assigned to one or the other of the husbands, and her word was taken for the fact.[1] In the last quarter of the eighteenth century another traveller reported that on the coast of Malabar, in the caste to which the braziers belonged, the eldest brother alone married; but the others supplied his place with their sister-in-law when he was absent.[2] To-day the Kammálans (artisans) of Malabar practise fraternal polyandry. As part of the wedding ceremony the bride and her bridegrooms sit in a row, the eldest brother sitting on the right, the others in order of seniority, and lastly the bride. A priest of the caste takes some milk in a vessel and pours it into their mouths one after the other. The eldest bridegroom "cohabits with the bride on the wedding day and special days are set apart for each of the others. There seems to be a belief among the Kammálan women that the more husbands they have the greater will be their happiness. If one of the brothers, on the ground of incompatibility of temper, brings a new wife

[1] di Varthema, 145. This seems to be the authority made use of by Munster in his *Cosmography* translated by Eden in 1553 (Arber, *First Three Bks.* 17). As to polyandry in ancient India the reader may consult Jolly, 47.

[2] Thurston, 113.

she is privileged to cohabit with the other brothers. In some cases a girl will have brothers ranging in age from twenty-five to five whom she has to regard as her husbands, so that by the time the youngest brother reaches puberty she may be over thirty and the young man has to perform the duties of a husband with a wife who is twice his age. Polyandry is said to be most prevalent among the blacksmiths, who lead the most precarious existence and have to observe the strictest economy."[1]

Fraternal polyandry it has been argued is due to economic causes, such as poverty, and the desire to keep the family property together. That economic causes have often had an important influence cannot be denied. But to attribute any species of polyandry to these causes alone is to venture upon a very hazardous theory in the face of the evidence from all parts of the world of indifference to what the civilised peoples of Europe generally regard as womanly virtue. It is not of course asserted that this indifference is universal; but the present and preceding chapters show that even where the chastity of a married woman is insisted on chastity is often interpreted in such a way that sexual union with certain persons from time to time appointed or permitted by the husband or by custom is not deemed a breach of morals, but on the contrary is a positive duty. Polyandry is the more or less permanent union of a woman with several men who are jointly regarded as her husbands. So far from its being a hardship submitted to unwillingly and from the pressure of poverty, in some cases at all events it is a subject of boasting. Thus the Kanisans, or

[1] Thurston, 114; *Ind. Census*, 1901, xx. 167; *Id.* xxvi. 275.

astrologers, of Malabar, like the Pándava brothers (mythical figures in the epos of the *Mahábhárata*) "*as they proudly point out*, used formerly to have one wife in common among several brothers, and this custom is still observed by some of them."[1] The carpenters and blacksmiths too celebrate their polyandrous marriages "openly according to their caste rules and with much ceremony and pomp," in no wise as an evil to be submitted to or ashamed of.[2] Among their women, as we have just seen, polyandry is highly appreciated. A very pretty Dafla girl once came into the station at Luckimpur in Bengal, threw herself at the feet of Colonel Dalton, the officer in charge, who tells the tale, and in most poetical language besought his protection. She was a chief's daughter and a prize in the matrimonial market. Her father had promised her to a brother chieftain who already had many other wives. She however would not submit to be one of many; and besides she loved, and she had eloped with her beloved. This was so romantic that the gallant colonel was naturally interested. His sympathies were at once enlisted in her favour. When she came to him she was in a very coarse travelling dress; but when he assured her of his protection she took from her basket fresh apparel and other ornaments, and there and then proceeded to array herself; and very charming she looked as she combed and plaited her long hair and completed her toilette. Meanwhile the colonel sent for "the beloved," who had kept in the background; and his surprise was great when there

[1] Thurston, 115, quoting Logan, *Manual of Malabar*.
[2] Mayne, 75, citing a mem. annexed to the *Malabar Marriage* [illegible]*ort*, p. 103.

appeared not one but two! She who had objected to be one of many wives had eloped with two young men; why should polygamy be the privilege of the tyrant man?[1]

Something like that very question was argued by a great lady in Tibet with an Indian traveller a few years since. The Tibetan custom of fraternal polyandry is too well known to need description. The tyranny of man can hardly be known among the happy women of Tibet; the boot is perhaps upon the other leg. The traveller had cured the lady in question of a nervous disorder. On one occasion, when he was dining with her, she asked him many questions concerning the marriage laws of India and Europe. When he told her that in India a husband had several wives and that among the *Phyling* (foreigners) a man had but one wife she stared at him with undisguised astonishment. "One wife with one husband!" she exclaimed. "Don't you think we Tibetan women are better off? The Indian wife has but a portion of her husband's affections and property, but in Tibet the housewife is the real lady of all the joint earnings and inheritance of all the brothers sprung from the same mother, who are all of the same flesh and blood. The brothers are but one, though their souls are several. In India a man marries, well! several women who are strangers to each other." "Am I to understand that your ladyship would like to see several sisters marry one husband?" the traveller asked. "That is not the point," she replied; "what I contend is that Tibetan women are happier than Indian women, for they enjoy the privileges conceded in the latter country to the men."[2]

[1] Dalton, 36. [2] Chandra Das, 161.

The women are thus a powerful influence in favour of polyandry; and if not established in the first instance, at least it is maintained by the help of their goodwill. In some of the talúks of Malabar the custom of fraternal polyandry survives among the Tiyans (toddy-tappers), though it is said to be dying out. Reasons of an economic nature however support it, reasons urged not on behalf of the men but of the women, because it is possible for a man besides sharing his elder brother's wife to have a wife for himself. Property devolves through the eldest brother's wife. A girl will not be given in marriage to an only son, for her relatives say: "Where is the good? He may die and she will have nothing. The more brothers the better the match." The argument, it is obvious, will always apply to a monogamic marriage among a community of artisans. It is said that the Tiyan wife sleeps in a room and her husbands outside. When one of them enters the room a knife is placed on the door-frame as a signal to forbid entrance to the other husbands.[1] In South Malabar and the northern parts of Cochin the marriage ceremony of the Tiyans (there called Izhuvas or Thaudans) varies according as the bride is intended to be the wife of one or all of a band of brothers. The operative part of the ceremony seems to be "the giving of sweets," similiar to the Kammálan ceremony in Malabar already described. The bride and bridegroom are seated on a mat and given milk, plantain-fruits and sugar. If the marriage is intended to be monandrous the bridegroom's brothers do not share in the sweets. If it is to be polyandrous the sweets are served

[1] Thurston, 112.

to them and the bride, either in the hut of the bridegroom after he has gone through the ceremony by their mother, or in the bride's hut by her mother. It is still the custom for four or five Izhuva brothers to marry a young woman. A vessel of water is kept at the door of her room to serve the purpose of the knife elsewhere. Any of the brothers may marry a wife either for himself alone or to be a common wife of the group. The children of the polyandrous marriage are the children of all the husbands.[1] Polyandry is also a custom of the western Kallans; and among them also the husbands are held to be jointly and severally fathers of any children the wife may bear.[2] Among the jungle Kurumbas of the Nilgiri Hills it is said to be the custom for several brothers to take one wife in common, nor do they "object to their women being open to others also."[3] In Ceylon fraternal polyandry is common, especially in the Kandyan country where it is more or less general among all classes. The reason assigned by the poor is poverty, by the wealthy and men of rank that such marriages unite the family, concentrate property

[1] Iyer, 22, 24. The Izhuvas inherit according to matrilineal rules in certain disticts, but not in the district referred to (*Ibid.* 29; *Ind. Census.* 1901, xxvi. 279).

[2] Thurston, 108. As to the Kallans generally, see *Ind. Census*, 1901, xv. 158.

[3] Thurston, 113. It is reported of the Badagas in the Nilgiris, almost in the same terms as of tribe and caste after tribe and caste in the United Provinces and Bengal: "Immorality within the family circle is not regarded very harshly" (Mayne, 75, quoting the Census report of 1891). The Kuravas, a Gipsy tribe found all over the Tamil country, treat their women "in a very casual manner, mortgaging or selling their wives without compunction" (*Ind. Census*, 1901, xv. 164).

and influence and conduce to the interest of the children who, having a plurality of fathers, will be the better taken care of and will still have a father left even though they lose one. The children call all the husbands father, distinguishing the eldest as "great father" the others as "little fathers." "Chastity," says a writer of the early part of the last century, "is not a virtue in very high estimation amongst the Singalese women, nor jealousy a very troublesome passion amongst the men. Infidelity certainly is not uncommon; and it is easily forgiven, unless the lady disgrace herself by forming a low-caste attachment, which is considered unpardonable and always ends in divorce."[1] Among the Kannuvans of Madura on the mainland a woman may only have one legal husband at a time; but she may "bestow favours on paramours without hindrance, provided they be of equal caste with her."[2]

Throughout India the proper marriage for a boy is deemed to be with his father's sister's daughter or his mother's brother's daughter; and in the wedding ceremonies of many tribes and castes among which it is no longer insisted on vestiges are found of the custom.[3] Some castes, however, are very punctilious and will even marry together a boy who is a mere child and a full-grown woman who stands in the necessary relationship to him. This may, in some Indian cases, be the origin of the ill-assorted marriages of the kind referred to in a previous chapter.[4] The Tottiyans or Kambalattars (Telugu cultivators of the

[1] Davy, 286; Thurston, 112.
[2] Mayne, 74, quoting *Madura Manual*, pt. ii. 34.
[3] W. H. R. Rivers, *J. R. A. S.* 1907, 611 *sqq.*
[4] *Supra*, vol. i. p. 305.

soil) and the Kâppiliyans (Canarese cultivators) are instances in point. Among the Tottiyans, it is said, the bridegroom's father takes upon himself the duty of begetting children to his son. It is customary moreover for the women after marriage "to cohabit with their husbands' brothers and near relations and with their uncles; and so far from any disgrace attaching to them in consequence their priests compel them to keep up the custom if by any chance they are unwilling." The morality of the women is reported in general terms to be "loose." Divorce is easy and remarriage freely allowed.[1] The Kâppiliyans extend the man's right of marriage to include his sister's daughter. Quite small boys are often married to adult women. Whether or not the man who is regarded as the husband's father normally supplies the husband's place, it is permissible for a married woman to consort with her brothers-in-law without suffering any social degradation. Nor need her favours be confined by any means to them, so long as those favours are shared only by members of the caste. As among other castes addicted to similar practices children of a woman mated with an infant husband are regarded as his children and inherit his property, though his paternity may be impossible.[2]

[1] *Ind. Census*, 1901, xv. 180; Thurston, 108.

[2] *Ind. Cens.* 1901, xv. 141; Thurston, 108. It is perhaps not irrelevant to note here that the tying of the *tâli*, or ordinary Dravidian badge of marriage, is not necessarily effected among the castes of Southern India by or even on behalf of the *de facto* husband. The practice among the Nâyars has already (vol. i. p. 267) been mentioned. It may be said generally that at or before puberty every girl undergoes the ceremony of tying the *tâli*. Once this is done she is free to contract an alliance intended to be followed by cohabitation. The ceremony by which the latter alliance is initiated is usually not regarded as marriage, and bears a different name. The subject

Reference has been made on an earlier page to the Kolarian tribes. Among these tribes the agricultural festivals are marked by an outburst of sexual licence. The Oraons celebrate in the spring a sacred marriage, like that of the Leti Islanders, "at which all shame and morality are laid aside." If not to the Santáls, the same licence is imputed in an extreme form to the Hos. The Larka-Kols offer sacrifices in January to a *bhut* or demon called Deswali, winding up with unbridled saturnalia.[1] Among the Chingpaw of Upper Burmah twice a year there is a general holiday and feasting which is the occasion of much debauchery and licentiousness. Apart from these festivals the Chingpaw displays no narrow and puritanical morality. In the last chapter we saw that no marriage takes place without previous intercourse. The dwelling-houses are from one hundred and fifty to two hundred feet long, and are built to accommodate more than one family. The young men and women have separate rooms; but as no restraint is laid on their movements they frequently pass the night in each other's quarters. The result is that illegitimacy is very prevalent. It is not considered a disgrace for an unmarried woman to be a mother. The father of her child is not bound to marry her, unless he have been formally betrothed to her; and he is only called on to support her until the child is a month old. An effort, however, is always made to get a pregnant girl married to the father of her child; but a woman thinks it no shame to forsake her lover and marry some one else. Nor does the fact

requires further consideration than is possible to give here. See Mayne, 123; *Ind. Census*, 1901, xx. 170, 174; xxvi. 280, 288, 307, 337.

[1] Hahn, *Kolsmission*, 92, 99.

of her already having a child by one man injure her prospects of marriage to another.[1]

The antenuptial freedom of the Tho of Northern Tonkin and its continuance for a certain period after marriage have been incidentally mentioned, in discussing their form of marriage and its relation to an earlier stage, in which the husband either visited or dwelt with the wife in her own home. We there saw that the paternity of her eldest child was often more than doubtful.[2] This may be said to be invariably the case among the Lolo of Yunnan. After passing a single night with the bridegroom the Lolo bride quits her husband's residence, to which she returns no more until she can do so in a condition of pregnancy. During her absence the husband does not appear to visit her, but she has full liberty of intrigue and conducts herself much in the same way as the Thai bride. When she returns with the expectation of issue he asks no questions of her but receives her with the respect due to her fecundity, being now assured of offspring by her. He is indeed fully conscious that he has not begotten her first child, and it is said that he always considers it in some sort as a stranger, reckoning the second child as the eldest. The first child however is brought up with the same care and attention as the rest and appears to belong equally to the family. If the wife do not within twelve or eighteen months exhibit signs of maternity the marriage contract is rescinded, and the husband proceeds to look out for a worthier mate.[3] In Tonkin

[1] Anderson, 123, 127. *Cf. Int. Arch.* xvi. 28, 36.

[2] *Supra*, p. 49.

[3] Rocher, *La Province Chinoise du Yün-nan* (Paris, 1880), ii. 16.

the Man Coc not only attach, like their neighbours the Tho, no importance to virginity in a bride, but in certain villages the women prostitute themselves to the passers-by without seriously affecting their reputation.[1] Among the Pa-Teng on the watershed of the Red River and the Clear River antenuptial incontinence subjects the guilty parties to a light fine; but in spite of this the relations between unmarried men and girls are quite untrammelled. Even adultery by married women appears to have only a limited importance.[2]

Our information as to the rule of descent among the pagan tribes of the Malay Peninsula is defective. But it would seem that the Besisi reckon through the father. At the end of the rice-harvest a festival is held at which a temporary exchange of wives used to be effected. This was a ritual performance intended to have "some sort of productive influence not only upon the crops but upon all other contributing sources of food-supply."[3] Among some of the tribes in the hills of Assam speaking Tibeto-Burman languages the festival of sowing is marked by an outburst of licentiousness, which is probably intended to stimulate the fecundity of the crops. After the sowing is completed the village reverts to its usual continence.[4] The Tibetans who frequent the Kan-su border in the north of China set little store on female chastity. In lamaseries in the district of Kan-su which they call Amdo a feast is held at different times; it lasts two or three days and is known to the Chinese as "the

[1] Lunet, 241. [2] *Id.* 292.

[3] Skeat and Blagden, ii. 70, 76, 121, 145. Among the Sakai of Selangor the women were formerly allowed more than one husband (*Ibid.* 68). But how did they reckon descent?

[4] T. C. Hodson, *J. A. I.* xxxvi. 94.

hat-choosing festival." The name is derived from the custom that a man may during the feast carry off the cap of any girl or woman he meets in the temple grounds, and she is obliged to come at night and redeem the pledge. "Chinese are not admitted to play at this game of forfeits, nor are they allowed any of the privileges of this *fête d'amour*."[1]

Among the Maoris antenuptial intercourse was very common. "As a general rule the girls had great licence in the way of lovers. I don't think," says a well-qualified observer, "the young woman knew when she *was* a virgin, for she had love-affairs with the boys from her cradle. This does not apply of course to *every* individual case—some girls are born proud, and either kept to one sweetheart or had none, but this was rare. When she married it became very different; she was then *tapu* to her husband, and woe

[1] Rockhill, 80. It may be well to mention here the customs of certain Chinese provinces and dependencies recorded by Marco Polo. In Poim where the people were Mohammedans, when the husband left home on a journey for twenty days the wife at once found another man with whom she lived until her husband came home. In Camul if a stranger came the master of the house went away, charging his wife to be complaisant in all things to their guest. The Great Khan tried to abolish this custom, but the people were too much attached to it. They sent ambassadors representing that it was the custom of their fathers, that it was pleasing to their idols and that they wished to adhere to it. The Great Khan had to give way. In Chelet men would not marry virgins. Mothers used to offer their daughters to strangers, who kept them as long as they pleased and then sent them away with a gift or token. This token was worn round the neck; and the more of such tokens a girl had, the sooner she was married and the more her husband thought of her. In Caindu the same custom was followed as that attributed above to Camul. Finally in the city of Lazi it was a matter of indifference to the men if other men slept with their wives (Marco Polo, *cc.* 41, 45, 85, 86, 87).

betide her if she was guilty of light conduct." A man who had many wives however would lend one of them to a guest whom he loved to honour—not his first or chief wife but one of the inferior wives. He could also let a guest have one of the unmarried girls.[1] Divorce is common. The husband puts away the wife, or the wife returns to her relatives. If the husband in the latter case take no step to persuade or compel her by force to return (which he sometimes does) the divorce is final and both parties can marry again. Husbands are as a rule less jealous than wives: probably the result of the polygyny practised by many who can afford it.[2]

It may be conjectured that the length to which the practice of taboo was driven in New Zealand may account for the chastity of married women, mitigated though it was by the commonness of divorce. A man on taking a wife by that act tabooed her to himself. She was guarded from others by, and subjected so far as her own acts were concerned to, the awful and mysterious penalties of *tapu*. In this condition she remained so long as she remained a wife. Hence, though while still *noa*, or common, she did not hesitate to indulge her desires, once made *tapu* she would fear to suffer invasion even by force of her husband's property in her; and the same fear and not merely the fear of material vengeance would restrain other men from either tempting or compelling her.

Some such explanation at least is necessary to

[1] E. Tregear, *J. A. I.* xix. 101, 103, 102; *cf.* Polack, i. 137, 145; Taylor, *New Zealand*, 167. See a mythological story of fraternal polyandry, Grey, *Polyn. Myth.* 81.

[2] Polack, i. 159, 146.

account for the difference in manners between the Maoris and their Polynesian kinsmen. The observer just quoted contrasts the sexual ethics of the Sandwich Islanders, for instance, with those of the New Zealanders. "In Hawaii," he says, "whether the woman was married or single, she would have been thought very churlish and boorish if she refused such a slight favour as" the embrace of a masculine "friend of the family."[1] A missionary quoted by Morgan declares that the natives of the Sandwich Islands had hardly more modesty or shame than so many animals. "Husbands had many wives and wives many husbands, and exchanged with each other at pleasure."[2] Judge Lorin Andrews of Honolulu writing to Morgan and explaining the word *pŭnalŭa*, applied by a man to the husbands of his wife's sisters, observes: "The relationship of *pŭnalŭa* is rather amphibious. It arose from the fact that two or more brothers with their wives, or two or more sisters with their husbands, were inclined to possess each other in common; but the modern use of the word is that of *dear friend* or *intimate companion*."[3] The testimony to this possession in common by small groups of husbands and wives in the Sandwich Islands seems to put the custom beyond doubt. I am not concerned now to discuss the theory of group-marriage based upon it by the distinguished American anthropologist. For our present purpose all that is necessary is to point out that the strict taboo of a wife to a single husband was

[1] *J. A. I.* xix. 104.

[2] Morgan, *Anc. Soc.* 428, quoting Bartlett, *Historical Sketch of the Missions, &c., in the Sandwich Islands. Cf.* 415.

[3] *Ibid.* 427, citing also other testimony to the same effect.

unknown, and despite the fact that the stage of pure motherright had been passed actual paternity was neglected. The saturnalia hinted at but not described by Ellis as occurring on the death of a chief indicate the same carelessness.[1] It is true that the writer tells us elsewhere that "adultery among the highest ranks *has been* punished with death by decapitation,"[2] but he neglects to inform us what the definition of adultery among the Sandwich Islanders was, or how often or in what circumstances the punishment of decapitation was inflicted. His expression indicates that it was a rare event. Such vague statements cannot be held to conflict with those I have previously quoted. It need only be added that, as among the Maoris, "the marriage-tie was loose, and the husband could dismiss his wife on any occasion."[3] Whether the wife had a corresponding right does not appear.

In Tahiti, where another branch of this voluptuous race was settled, antenuptial licence was common, and fidelity to the marriage-bond was seldom maintained. The union was dissolved, whenever either of the parties desired it, to suit their inclinations or their convenience; and though amongst the higher classes it was allowed nominally to continue, the husband took other wives and the wife other husbands.[4] A similar account reaches us from Samoa. "Chastity was ostensibly cultivated by both sexes; but it was more a name than a reality." From their childhood their ears were familiar with the most obscene conversation; and as a whole family to some extent herded together immorality was the natural and prevalent consequence.

[1] Ellis, *Tour*, 148.
[2] *Ibid.* 401 (the italics are mine).
[3] *Ibid.* 414.
[4] *Id. Polyn. Res.* i. 262, 273, 274.

There were exceptions, especially among the daughters of persons of rank; but they were the exceptions and not the rule. In these circumstances we are not surprised to learn that adultery "was sadly prevalent." It is said to have been often punished by private revenge; but details are lacking to show how far this was due to sexual jealousy properly so-called, how far it was due to resentment at the invasion of a right of property, and how far public opinion approved the revenge.[1]

On the occasion of marriage in the Marquesas Islands the bride was compelled to undergo public intercourse with all the masculine guests. In the families of chiefs however sometimes marriage was provisionally arranged and entered into between children, a practice more recently imitated by the class below. In such cases the public ceremony was omitted. The child-wife immediately went to live with her child-husband. On arriving at puberty she was in consequence never found to be a virgin. Notwithstanding this, she withdrew into a special hut erected near her husband's house for the purpose of observing the puberty rites. There she was visited by all the great chiefs of the same, or perhaps a higher rank. After this, if both boy and girl agreed, the marriage became definitive. If they did not agree they were free to separate and marry others; but in any case the girl's first child was reputed to be that of the husband she had espoused in infancy. From the moment of marriage a man acquired marital rights over all his wife's sisters. They became secondary wives to him, though they might themselves have at that time or

[1] Turner, *Samoa*, 91, 94, 97. *Cf. Rep. Austr. Ass.* iv. 626.

afterwards during the marriage primary husbands. In the same way all the husband's brothers were secondary husbands of the wife and had corresponding privileges. Polygyny and polyandry thus coexisted. Nor were they limited to the brothers and sisters of the consort. The husband had a right to provide himself with other secondary wives. The population, as might be expected from some of the practices mentioned, was not very prolific; and children were greatly in request, especially by the chiefs. In order to obtain offspring, a pregnant woman would sometimes be carried off, probably with the consent of herself and her husband, who followed her and became a secondary, instead of a principal, husband to her. The principal wife in her turn could also take a secondary husband; and this was done in effect whenever she desired it. Well might it have been believed by Europeans that marriage did not exist in the Marquesas. As if this were not enough, there was also a class of women who instead of marrying kept open house, and had the right of calling in any man who happened to pass without his being able to refuse. They were by no means a despised class, and it only depended upon their volition to marry any man who pleased them.[1]

On the island of Yap, one of the Pelew Islands, agnatic kinship prevails. Yet continence is not required of man or woman. After the first menstruation sexual intercourse is free to every girl, and a

[1] Tautain, *L'Anthrop.* vi. 641 *sqq.* The revolting and almost incredible details given by Dr. Tautain of the marriage ceremony led, as he himself remarks, to physical disorders, which must have had a detrimental influence on the fertility of the population; but he is of opinion that it was not naturally prolific (*Id.* ix. 420).

seducer has nothing to pay even though pregnancy result. It is superfluous to say that virginity is not expected in a bride. Bastards have no disadvantage in law, and socially very little. If the father of a bastard does not take it, it enters into its mother's family and inherits in due course from her father. Divorce is easy and without special formalities; but some cause must be alleged, though it may be a mere excuse. Adultery abortion or barrenness is sufficient for the man to dismiss his wife, or even if she be a scold. He may sell her if she commit adultery or be impertinent to her mother-in-law. On the woman's side her husband's adultery or ill-treatment enables her to quit him. The definition of adultery however by no means coincides with ours. No bride-price is paid. The result is that there is hardly a pair of middle age who have not been divorced, though it is constantly observed that after various conjugal changes in the meantime they ultimately return to one another. A special custom of the island is that a number of men form a kind of club and build a club-house called a *falu*, where they spend their evenings and nights. In these houses girls are kept for the use of the members, each of whom has his appointed day. Girls are obtained for the *falu* by agreement with their parents or by force. They are held for a year, or sometimes for several years, and well rewarded for their service, and their parents receive presents also. Some reproach attaches to a girl who voluntarily enters a *falu*, and for that reason the capture of a girl is preconcerted between herself and her captors, in order that though willing to go she may appear to be forced. Yet once in the *falu* their social position is little affected: they

are taken freely to public festivities; they are prettily dressed and well taken care of; they have no need to work; and they find husbands at once when they have given up living in the club. If such a girl becomes pregnant she is married by the man whom she claims as the father of her child. The married women never enter a club-house. This avoidance is perhaps not unconnected with the law by which a wife who commits adultery may be sold to a club. On the other hand, a husband is not reckoned adulterous though he belong to a club and have intercourse with the girls there. The idea of rape does not exist; a married woman who is raped is treated as an adulteress.[1] If another and a probable account be correct the girls kept in the *falu* must in accordance with the laws of exogamy belong to a different sept from the men of the club.[2]

The Yakuts are very tolerant in sexual matters. They "see nothing immoral in illicit love, provided only that nobody suffers material loss by it. It is true that parents will scold a daughter if her conduct threatens to deprive them of their gain from the bride-price; but if once they have lost hope of marry-

[1] Senfft, *Globus*, xci. 141, 142, 149, 153. Reference may be made to Prof. Frazer's discussion of the sexual relations of the Pelew Islanders in general (*Adonis*, 435). He comes to the conclusion that "a well-marked form of sexual communism limited only by the exogamous prohibitions which attach to the clans prevails." Compare with the *falu* the bachelors' houses of the Bororó, *supra*, p. 108.

[2] Christian, 291. The same writer states that according to his informant conjugal fidelity is not regarded as a virtue. Less probable is his assertion, if I understand it correctly, that every girl has to go through the *falu*, and that each man, married or unmarried, takes his turn with her.

ing her off, or if the bride-price has been spent, then they manifest complete indifference to her conduct. The time which young wives spend with their parents after the wedding is the merriest and freest time they ever know. The young men hover about them like flies, but the parents pretend to take no notice, and even in most cases take advantage in their household work of the serviceability of these aspirants. They only strive that these connections may not be long continued and may not become notorious; for this might bring upon them unpleasant consequences from the family of the husband and might lessen the quantity of gifts which they might expect later. Maidens who no longer expect marriage are not restrained at all; and if they observe decorum it is only from habit and out of respect to custom." A Polish political exile not long ago dwelt for twelve years among the Yakuts. He paid much attention to their customs, and to him we are indebted for the foregoing observations. He tells us further that a bride-price (which may be considerable) is paid on marriage, and that in former times parents often paid a bride-price for a girl three or four years old to be the wife of a son. She was taken and brought up in the family of her youthful husband; and in fact the two children slept together from infancy, although the marriage ceremony had not then been performed. Moreover, an interesting light is thrown upon the sexual morality of the Yakuts by their tradition that when God made Adam and his wife the latter bore seven girls and eight boys. Each boy therefore as he grew up had a wife, except the youngest. He asked God what he was to do for a wife. God answered: "If you cannot get along without

one, sleep secretly with your brothers' wives." This legend is not isolated: we are told it agrees with other current sayings and legends. The Yakuts are patrilineal; but there are not obscure indications that in former times descent was reckoned through the mother. The wife resides at the husband's home, and special rules exist for the avoidance of his male but not of his female relatives. These rules seem to point to precautions against the exercise of claims by men upon the wives of their kinsmen. The old customs, however, are breaking down under the pressure of Russian civilisation, such as it is.[1]

The Chukchi of Eastern Siberia offer to guests, whether of their own race or not, their wives and daughters and are said to resent as a deadly affront any refusal. It was related of them and the Maritime Koryaks of the Gulf of Penjinsk in the earlier half of the last century that they "begged of the Russian post-carrier in his annual journey through their country to lie with their wives, and overwhelmed him on his return with presents because a son had been born to them from this transient alliance."[2] The Chukchi in particular are stated to compel their wives, when they want a son, to allow themselves to be impregnated by another man.[3] We may doubt whether much compulsion is usually required. Compound marriage or "marriage by interchange" is an

[1] *J. A. I.* xxxi. 96, 84, 88, 86, 93. The argument from terminology of family relationships is also worth considering; but it does not come within my general plan. As to the time spent by young wives with their parents see *supra* p. 15.

[2] Erman, ii. 530; Georgi, 98.

[3] Post, *Geschlechtsgen.* 33, citing Klemm; Georgi, 104; *Jesup Exped.* vii. 318.

established custom. It "is observed mostly between first and second cousins. Males entering into this bond acquire the mutual right to the wives of one another, a right which can be claimed at every meeting. Nowadays marriage by interchange can be contracted between unrelated parties—even with people of foreign tribes with whom close friendship has sprung up. A bachelor and a widower living in the same camp with a married man can form a like contract. This style of marriage is only a system of polyandry. Sometimes more than ten people may be affected by marriage through interchange within one group, although three or four are regarded as sufficient. Women generally are not averse to the custom." After this it is superfluous to add, as the author quoted does: "Chastity is not highly regarded." He mentions that the language has no distinctive term for maiden, which by itself does not afford an argument of much value, though it is not without its significance in conjunction with the facts recited.[1]

The Tunguz women are not very scrupulous about keeping conjugal fidelity. They are almost always alone in the house, for the men are away hunting or looking after their cattle; "and how can they avoid the unexpected visits of wandering hunters who come and cook at their hearths, and who from politeness invite them to take a share of the fortune of the chase? Then as neither the men nor the women pride themselves much on delicacy, the rest easily comes about." If a husband becomes aware of too frequent visits

[1] Bogoras, *Amer. Anthr.* N. S. iii. 102, 104. *Id. Jesup Exped.* vii. 400, 455. I am not sure whether I am right in concluding that all the following Siberian and Aleutian tribes are patrilineal.

of this kind, he gives up the hospitable wife to her gallant, and contents himself with another from the family of the latter. This sort of truck is called *Danira*, and it is not uncommon. Divorce for other reasons is very easy. If two married persons cannot live together in peace they separate.[1] The northern Tunguz, however, are said to consider the marriage-tie indissoluble. But as they allow a plurality of wives they make no difficulty about resigning one of them for the time to any Russian adventurer who may visit the tundras in the summer and from whom they expect a share of the proceeds of his hunting excursion in return.[2]

The Kamtchadal women make parade of their lovers and give themselves freely to strangers. "A widow cannot find another husband unless her sins have been previously taken away by the highest degree of familiarity granted to any one who wishes to render her this service; and as the natives imagine that this expiation might cause the expiator to die like the former husband the poor women would remain widows without the assistance of the Russian soldiers, who are not afraid of exposing themselves to a danger so equivocal." Apparently the first man who has intercourse with a widow runs the risk of vengeance by the deceased husband. This posthumous jealousy is perhaps a continuation of that entertained in life. Yet if so, it must be because the intercourse is without leave of the deceased, and without the possibility of a *quid pro quo* to him such as is obtained by an exchange of wives between men still living. "There is no excess of libertinage," we are told with emphasis,

[1] Georgi, 47. [2] Erman, ii. 138.

"which is not practised among the Kamtchadals. They pay not the least attention to the degrees of relationship," except that of parent and child.[1] The hospitable rite so common among peoples in the lower culture of offering a temporary consort to a guest is practised by the Aleutian Islanders. If we may believe Georgi marriage is merely a provisional cohabitation in which the partner is often changed. The women are as much free and mistresses of themselves as the men. A wife deserted or exchanged sometimes returns more than once to her first husband. "These islanders in the married state are above jealousy and ignore the rights of an exclusive and reciprocal property between the spouses. The men leave their wives in entire liberty, and the latter do as much for their husbands." Degrees of kinship are ignored; they only marry "to find subsistence with less trouble and to fulfil the end of nature."[2]

Returning to the mainland, the great desire of the Buryats of Southern Siberia is for children. If one wife be unfruitful a second and a third are married, and so on. In default of children of their own they adopt strangers. Nor is this all. Partly to make sure of children, partly to have a woman in the house to fulfil womanly duties, they marry their sons at a very tender age to grown-up women. "I have often," says Melnikov, "met a youth of fifteen or sixteen who in answer to my inquiry whether he had been long married would answer that the knot had been tied three or four years before. In the *wedomstwa* of Unga in the department of Balagan I once saw a Buryat of sixteen who had been married seven years

[1] Georgi, 75, 89, 90. [2] *Id.* 116, 129, 130. *Cf.* 128.

before, 'that he might beget the more children,' as his neighbours told me. In fact he had four children; and the eldest son was seven years old. In the *wedomstwa* of Uleyi in the same department I saw a strong woman of twenty carrying a boy in her arms. I was surprised to be told that this woman and the boy in her arms were husband and wife. The Buryats said that formerly still droller marriages took place, in which the wives had to hold their husbands in their arms while they were milking the cows." We have seen how similar social arrangements result among the Reddies and other tribes of Southern India. Whether the practice is the same among the Buryats does not distinctly appear. It is not necessary. The author whom I have just quoted goes on to illustrate their dissolute manners by saying: "The girl among the Buryats becomes a complete wife before the official union. This fact is known to every one, and nobody complains of her or despises her on that account. If before the official union she has had a child she is married all the more willingly, for her aptitude for continuing the race is put beyond doubt. Unrestrained sexual intercourse may be observed, especially at the Buryat festivals where young people of both sexes assemble. The gatherings usually take place late in the evening and may justly be called nights of love. Bonfires are lighted in the neighbourhood of the villages, around which men and women perform their monotonous dance. From time to time pairs of dancers fall out and disappear into the darkness. Before long they come back and again take part in the dances, only to disappear afresh in a little while. But it is not always the same pairs who now retire, for the

partners have changed. Whoever lives among the Buryats has often the opportunity of seeing and hearing what happens at a wedding when men and women are excited by drink."[1] In Chinese Turkestan the conjugal bond is extremely fragile. For the slightest reason and even without any reason at all the wife collects her belongings and returns to her parents; and on the other hand there is nothing to protect her from her husband's caprices. Sometimes she does not wait for a formal divorce in order to marry again. A woman of thirty who has not already had several husbands is therefore an exception. No respectable man who has to make a journey will spend a few days in a distant place without entering into a new and legitimate marriage. Yet all these facilities given by the law do not prevent either adultery or prostitution. This laxity of morals is of ancient date: it was noted as existing in the early centuries of our era.[2]

Among the tribes of the Caucasus pagan Cheremiss boys and girls enjoy sexual intercourse without reproof. Neither religious belief nor the moral code opposes the freedom of relations between the sexes. The statement is express that reluctance on the part of the girls exposes them to forcible violation. Like the Buryats, the Cheremiss marry their sons when they have hardly emerged from infancy, and fulfil the part of husbands to their daughters-in-law. The concubinage of several brothers with one woman is also not unknown, nor are traces that it was once usual wanting either in language or custom.[3] The Mordvin customs are similar.

[1] *Int. Arch.* xii. 202, 203; *Zeits. f. Ethnol.* xxxi. Verhandl, 441.
[2] *L'Année Soc.* iii. 374, citing Grenard, *Le Turkestan et le Tibet.*
[3] Smirnov, i. 117, 115.

Mordvin girls from the age of fourteen have sexual relations with the boys of the village, though they hardly marry before twenty or twenty-five. Kinship is no obstacle to their amours. Intercourse between brothers and sisters is not unknown; between remoter kindred is frequent. If a girl become pregnant nobody is shocked; legitimate or not, a child is always welcomed as an addition to the family. The marriage of mature women to boys with consequences like those among the Cheremiss and the Buryats has not yet been wholly put down. Apart from that, a Mordvin husband is not too exacting about his wife's fidelity. He is frequently compelled to be absent from home on military service or public works, and his wife seems to console herself very well in his absence.[1] With Votiak girls chastity is no virtue, and the want of chastity no vice. If they happen to have given birth to a child a much higher bride-price is demanded for them and their prospects of winning a rich husband are increased. But they are said, having sown their wild oats, to become faithful and affectionate wives. These qualities admit of obedience to the husband when he relinquishes the conjugal bed and spouse to a guest whom it is desired to honour.[2] Among the Ossetes the father purchases a wife for his infant son and has conjugal relations with her. Formerly, if a man for any reason preferred not to cohabit with any of his wives he could look out for some one to take his place —at all events, with a secondary if not with the principal wife. The levirate is observed; and where

[1] Smirnov, i. 337, 348.

[2] Featherman, *Tur.* 530; Post, *Studien*, 345, citing Kohler, *Zeits. vergl. Rechtsw.* v. 306.

a husband dying left neither brother nor son the widow was entitled to take any lover she chose. In all these cases alike the issue reckons as that of the legitimate husband.[1] The testimony to the licentiousness of the Circassian women and to the indomitable complaisance of their husbands is overwhelming. Of the Chechen we are told that the women are rarely faithful to their husbands. The Pshavs are in the habit of celebrating yearly a festival in honour of Lasha, the legendary son of Queen Tamara. This hero appears in the Pshav imagination in a very mixed character: sometimes as Saint George, sometimes as the representative of a cult analogous to that of Bacchus. His saturnalian festival is signalised by sexual licence.[2]

The Russian peasants themselves, frequently herded together, partly from ancient custom and partly from economic causes, under patriarchal rule in what is known as a Joint Family, attach but too little importance to the sexual relations supposed to be safeguarded by their Church. A sort of promiscuity results, unhealthy for body and mind. The domestic autocracy is itself a danger to the chastity if not to the integrity of the family. The house-father, like the noble over the female serfs on his domain, sometimes arrogated to himself a sort of *droit de seigneur* over the women under his authority. Officially entitled the Old One, he, thanks to the moujik's habit of early marriage, is often hardly forty when his sons bring home their brides, and it is a common thing for him

[1] Kovalevsky, *L'Anthrop.* iv. 274.

[2] *Ibid.* 266, 270, 273, 275; Löbel, 70; Darinsky, *Zeits. vergl. Rechtsw.* xiv. 175 *sqq.* See further as to the sexual customs of these and other non-Slavonic peoples in Russian territory, *Globus*, xcv. 188.

to levy on his daughters-in-law a tribute which the youth or the state of dependence of his sons prevents them from disputing. Writers of credit assure us that it is by no means rare to see the domestic hearth thus polluted by the authority which ought to maintain its purity.[1] Among the Southern Slavs the same practice subsists, and there if not also in Russia boys are married when mere children.[2]

Such a condition of family life must in any case be a survival of the practices of centuries gone by. A distinguished Russian jurist is of opinion that the sexual immorality of the Russian peasant has no other cause than the survival of numerous vestiges of the early forms of marriage. There is little doubt that among the ancient Slavs kinship was reckoned through the mother only. It was often accompanied by a considerable amount of sexual freedom. If we may believe the evidence of Nestor, probably a Russian monk of the eleventh century, the Drevlians, a Slavonic tribe, "lived like beasts; they killed one another; they fed on things unclean; no marriage took place amongst them, but they captured young girls on the banks of rivers." The words "no marriage took place amongst them" may of course mean that no open formal marriage rite was performed, but the girl captured was simply taken to the captor's home. It probably implies much more. It probably implies that other characteristics of a marriage according to the notions of a Christian monk were wanting. Among the characteristics in question

[1] Kovalevsky, 64, quoting and adopting the words of Anatole Leroy Beaulieu, *L'Empire des Tzars et les Russes*, 488.

[2] *L'Année Soc.* x. 441, citing Krauss.

permanence and fidelity would be prominent in his mind. A similar expression occurs in his account of three other tribes, the Radimich, the Viatich and the Sever. They dwelt "in forests like other wild animals; they ate everything unclean; and shameful things occurred amongst them between fathers and daughters-in-law"—very much as between the moujik of to-day and his daughters-in-law. Nestor goes on: "Marriages were unknown to them, but games were held in the outskirts of villages; they met at these games for dancing and every kind of diabolic amusement; and there they captured their wives, each man the one he had covenanted with. They generally had two or three wives." The capture here is preceded by an agreement between the bridegroom and the lady of his choice. The festival described is the public and formal recognition of unions which the writer in spite of himself admits as marriage of a kind; though they did not exclude infidelities of which he mentions a specimen in the relations between a father-in-law and his daughter-in-law. A writer of the same century, Cosmas of Prague, says of the old Bohemians or Czechs: "They practised communal marriage (*connubia erant illis communia*); for like beasts they contract every night a fresh marriage, and with the rising morn they break the iron bonds of love." The anonymous biographer of Saint Adalbert, Bishop of Prague towards the end of tenth century, ascribes the hostility which drove the saint from his diocese to his attempts to put down the shameful promiscuity of the Bohemian people. He testifies moreover to the existence of certain yearly festivals at which great licence prevailed.

A Russian monk, Pamphil, in the sixteenth century reports that in the state of Novgorod similar festivals were held on the banks of rivers, resembling in that particular, as Professor Kovalevsky points out, the annual festivals mentioned by Nestor. "Not later," the professor says, "than the beginning of the sixteenth century they were complained of by the clergy of the State of Pscov. It was at that time that Pamphil drew up his letter to the Governor of the State, admonishing him to put an end to these annual gatherings, since their only result was the corruption of the young women and girls. According to the author just cited the meetings took place as a rule the day before the festival of St. John the Baptist, which in pagan times was that of a divinity known by the name of Jarilo, corresponding to the Priapus of the Greeks. Half a century later the new ecclesiastical code compiled by an assembly of divines convened in Moscow by the Czar Ivan the Terrible, took effectual measures for abolishing every vestige of paganism, amongst them the yearly festivals held on Christmas Day, on the day of the Baptism of our Lord, and on St. John the Baptist, commonly called Midsummer Day. A general feature of all these festivals, according to the code, was the prevalence of the promiscuous intercourse of the sexes." That the code did not succeed in abolishing these periodical meetings is clear, since they are still held from time to time, though perhaps not so regularly. But it does seem to have been effective in purifying them from most of the sexual corruption. This at all events is indicated by Professor Kovalevsky's own experience of such midsummer meetings. But documents pre-

served in the archives of some of the provincial ecclesiastical councils, particularly in the Government of Kharkov, disclose similar licentiousness at other evening assemblies of the peasants. These assemblies are known in Great Russia as *Posidelki* and in Little Russia as *Vechernitzi*. The clergy made war upon them. More than once they induced the authorities to dissolve the assemblies by force. It is little wonder that the priests were often wounded and obliged to seek refuge in the houses of the village elders from the stones with which they were pelted.[1]

The history of the Russian gatherings on Midsummer Eve and other festival occasions suggests that formerly all over Europe such assemblies were of the same licentious character. Doubtless they were. The games still played by youths and maidens at these times, though now for the most part innocent, irresistibly lead to the conclusion that actual sexual intercourse took place in days of less developed civilisation.[2] And if married women frequented the meetings they must have been included in the sports and in what the Russian monk stigmatises as the "diabolical amusements." More than this it is impossible to say in the present state of our evidence, which may be found in the pages of Mannhardt, Frazer and other writers, but the full consideration of which would lead us too far away from our main subject to be entered upon here.

[1] Kovalevsky, 6 *sqq.*

[2] For example, the game played in various villages of the Luneburg district, in which a girl is allotted to every youth (*Zeits. des Vereins*, vi. 363). Compare the Saturnalia of ancient Rome, and the Holi festival in Northern India, where no act of intercourse now occurs, but indecency of word and gesture is an essential part of the rite.

The redoubtable Masai of East Africa inhabit a district now partly comprised in German partly in British territory. They are divided for purposes of internal organisation into "ages," each of these ages including the boys who were circumcised within a certain limit of time and the girls who were subjected to a corresponding operation during the same period. These operations are performed on batches of children at or about puberty, and are the occasion of a festival. A close bond unites all boys or girls of the same "age." After circumcision the boys enter the warrior-class, and are taught the profession of arms as it is (or used to be, before the intrusion of European rule) practised by the Masai. A man is counted as belonging to the warrior-class until about the twenty-eighth or thirtieth year of his age, and before he quits it he is not allowed to marry. The warriors live not in the villages occupied by the married men, but in separate warrior-kraals. Each of these kraals is inhabited by fifty to a hundred warriors with their mothers and some of their younger brothers. In addition there are perhaps twice as many young girls as warriors. These girls, who have not yet undergone the puberty ceremonies, sleep with the warriors, now with one and now with another, unless when a raid is in contemplation. Since it is a disgrace to a girl to bear a child before she has undergone the puberty ceremonies, pregnancy is as far as possible averted or abortion practised. Meanwhile it often happens that the girls are already in infancy betrothed. Betrothal makes no difference to their residence in the warrior-kraal; but if a betrothed girl became pregnant it would as a rule put an end to her engagement to marry. On emerging from

the warrior-class each man marries and settles down as an "old man." A man marries as many wives as he can afford to purchase. When the marriage takes place it frequently happens that one or two of the bridegroom's old companions in arms claim priority of intercourse with the bride. When this claim is made the bridegroom must concede it under penalty of dishonour; and in case he refuse he will have no right to complain if during the next few days some of his cattle are stolen. Divorce is a very rare occurrence; it is accompanied with some formality. If a divorced wife marry again her parents must repay her former husband the full bride-price which he paid. But he may decline to receive it; and in this event all her future children will belong to him. Nor if she run away from her husband and he decline to divorce her can she legally marry again, and any children she may have by another man will belong to her husband. As a rule however he takes the boys only. Adultery is not a ground for divorcing a wife: it is, in fact, an idea unknown to Masai ethics. Sexual intercourse is forbidden between persons belonging to different "ages." When it takes place, for example, between a man and a woman of his father's "age," he is cursed. But the curse may be removed by payment to the elders of two oxen (or one and a quantity of honey-wine) for a feast. On the other hand, a man having intercourse with his daughter or with a girl of her "age" is a more serious offender. The men of his "age" beat him, pull down his kraal and slaughter whichever of his cattle they want. But it is not an offence for a man to have intercourse with a woman of his own "age." If a husband beat his wife she

promptly seeks refuge with another man of his "age." Nor is she subject to any punishment for this escapade when she is returned to her husband; for the latter "fears that he will be cursed by the members of his 'age,'" which would entail a fine. A Masai on a visit to another kraal enters the hut of a man of his own "age." The host relinquishes his wife to him for the night and goes elsewhere: to refuse to perform this act of hospitality would be a disgrace; he would be cursed by his age-fellows. Moreover men sometimes make a temporary exchange of wives. Children borne by a woman while living with another man belong to her husband, though they may also call their actual begetter father.[1] Community of wives would thus appear to be almost complete between men of the same "age."

The Wakamba, neighbours of the Masai, are reported neither to expect nor to value chastity among women before marriage. "After all dances in which young men and girls unite promiscuous connection is indulged in and connived at by the parents of the latter. In the same way all married women have lovers, which is easily understandable when one bears in mind that nearly every man has two wives and the average number is three or four to each *mutumia* or elder. Rich men with eight or nine or even more

[1] Merker, 70, 334, 82, 44, 49, 50; Hollis, 261, 292, 312, 304, 287. The customs of the Wanderobbo are the same; but a wife finding herself pregnant after a temporary exchange of the kind above referred to returns to her husband. In any case the exchange lasts no longer than from six to twelve months (Merker, 222, 231, 232; *cf.* Johnston, *Uganda Prot.* ii. 824, 825). The customs of the Nandi are similar (Hobley, 38; Hollis, *Nandi*, 16 76, 77).

wives are in the habit of lending a member of their harem to a friend in cases where no children are born as a fruit of the marriage.[1] The offspring if any resulting from this are the property of the husband and are looked upon as his children."[2] But sexual relations unlicensed by the husband are regarded as adultery. When a husband catches his wife in the act at night—but not in the daytime—he may kill her paramour on the spot. In the same way a thief entering a kraal at night may be killed. Or the adulterer may be compelled to pay damages, or to take over the woman and refund her bride-price to the husband. A wife may be divorced for *persistent* adultery or for refusing to work; for a simple lapse of fidelity when caught she is said to be flogged.[3] If a girl become pregnant before marriage her condition "is no bar to her marriage with another man, but rather a recommendation, since he is sure of at least one child from her."[4]

The people of Taveta, the rich and fertile plain at the foot of snow-capped Kilimanjaro, are like the Masai of mixed Hamitic and Bantu stock. They are organised in clans and in "ages" somewhat resembling the Masai institutions. A girl is usually bespoken as a child and the arrangement for her marriage is made with her father, but the formal betrothal is postponed. After undergoing the puberty rites she passes her

[1] Sir A. Hardinge (*Report on the East Africa Protectorate*, Parliamentary Paper, Africa No. 7, 1897, 21) says that if a man have any wives who for any reason have ceased to please him they are "permitted to cohabit with his poorer relations, but only within the family circle."

[2] H. R. Tate, *J. A. I.* xxxiv. 137.

[3] Decle, 487.

[4] Tate, *loc. cit.*

nights in the *maniata*, "an isolated spot in the woods on which has been erected a sort of kraal, consisting of two or three dozen huts about eighteen feet long, three feet broad and three feet high, resembling dog-kennels. These huts are only furnished with a single bed of dried grass, and have no doors. Here the Taveta youth spend their time when the work for the day is finished. All children born in this kraal are put to death at birth." At the age of fifteen or sixteen a girl is formally betrothed. The ceremonies of betrothal differ according to the clan of the husband. It is only necessary to refer here to those of the Ndighiri clan. A Mndighiri bridegroom is required to capture his bride by force and hand her over to four stalwart relations who carry her struggling to her suitor's dwelling. There it is averred they have all four a right of intercourse with her. The actual marriage follows at a later date. A man can obtain a separation from his wife with the consent of the chief and elders if she refuse to work or cause trouble by stealing from a neighbour, or some offence of that kind, but not for adultery. Adultery is only punishable when the man who commits it is not of the same "age" as the husband of the woman. Even if he were to rape the wife of a comrade of his own "age" he could at most be fined one goat for assault. A man lends his wives to a comrade of his own "age;" and they court their lovers under his very eyes. Sexual intercourse with an unmarried girl is punished by a fine, but only when the man belongs to a different "age" from that of the girl.[1]

[1] Hollis, *Journ. Afr. Soc.* i. 110, 111, 117, 124; Johnston, *Kilimanjaro*, 430, 433. At Moschi a few miles off among a related

Adultery is punished among the Baganda by whipping the male offender. "On no account whatever can a woman be subjected to corporal punishment. A wife is not discarded by her husband on account of faithlessness. Even if she contracts disease from promiscuous connection, and temporarily leaves her husband's house, she is taken back when she wishes to return, and the husband even brings the influence of her relatives to bear on her with the object of inducing her to return."[1] Among the Madi and the Shuli on the Upper Nile the unmarried girls sleep in huts raised above the ground like granaries. There the boys

people fraternal polyandry exists. Mrs. French-Sheldon (*J. A. I.* xxi. 365), writing before the British occupation, reports that every Taveta warrior had a girl living with him; the girls were selected for this purpose on attaining puberty and before marriage. The life they thus led did not prejudice their subsequent marriage, nor was the warrior with whom such a girl might happen to live compelled or expected to marry her. She describes the ceremony of capture of the bride as if it were that of marriage, but it seems to be betrothal only; and in this form it is confined to one clan. The Wataita, to whom Sir Harry Johnston assigns it, are divided from the rest of the Wataveta by the river Lumi, and partly (or chiefly perhaps) belong to the Ndighiri clan (*Journ. Afr. Soc.* i. 100, 98). In Teita the host offers his own wives to his guest (Post, *Afr. Jur.* i. 472, citing Krapf).

[1] Johnston, *Uganda*, ii. 553. The king was much stricter before British rule as regarded his own wives. The offending wife and her paramour were literally "chopped up alive together." Adultery is now punished with fines in the native courts. By a custom common among the Bantu north of the Zambezi one of the royal princesses who was called *Lubuga* (king-sister) had royal precedence. She was never officially married, but she was allowed to take as many men as she liked: all Uganda was said to be her husband. The dowager queen in like manner had complete sexual freedom (Roscoe, *J. A. I.* xxxi. 122). But neither of these women was allowed to have children; hence they practised abortion (*Id.* xxxii. 36, 67).

who have reached maturity have free access to them. If a girl become pregnant her lover is bound to marry her, paying the customary bride-price. This freedom is not among the Shuli confined to unmarried girls; and husbands are not very sensitive about the vagaries of their consorts.[1] A similar report is made concerning the adjoining tribe of the Latuka. Among them women and girls are said to be much more numerous than men, and it is suggested that this is the reason why the women are not renowned for chastity, and why the men are so lenient towards their wives.[2]

The marriage custom of the Nasamonians of antiquity, is said to be still in use by the modern Abyssinians.[3] The Beni Amer are Mohammedans. Among them, as we already know, virginity is assured until marriage. Wives, however, think everything permitted to them; no conception can be formed of their levity, the motive of which is said to be low greed.[4] The people of Kordofan have likewise accepted the Prophet of Mecca, but Islam has not improved their sexual morality. Girls have unbounded licence, surrendering themselves readily even to strangers: when they have given proof of their fertility they are more likely to marry. Nor, it is well understood, do married women wholly resign their freedom. Their husbands of course know how to compensate themselves. Many a man beyond the wives whom the Koran allows him has others elsewhere. He marries and after a few days' sojourn with his bride takes a journey that may extend over months to

[1] Emin Pasha, 103, 108, 271.
[2] *Id.* 225.
[3] McLennan, *Studies*, i. 173, citing Mansfield Parkyns, *Life in Abyssinia*, ii. 51 *sqq.*
[4] Munzinger, 326.

another part of the country or to Dar-Fur. In the course of his travels he marries, if possible, several more wives. The grass-widows he leaves behind him swarm in all the villages, making themselves as comfortable as they can, and indemnifying themselves for their husbands' neglect by receiving especially strangers and travellers with open arms.[1] In the Kingdom of Merine between Bondu and Wulli when a married man went on a journey his nearest neighbour took possession of his wife and supplied her husband's place until the latter returned. This custom was mutually observed and every one submitted to it.[2]

More than one traveller testifies to the excessive freedom of the Monbuttu women. "It is not considered improper," says Emin Pasha, "for a grown-up girl, though a prince's daughter, to visit her lover at nights, even should he be a servant. Should lovers wish to marry, the girl's father is informed of the fact, and he makes a feeble attempt to obtain payment for the bride. If the young man is rich, the price settled upon is immediately paid; if he is poor, the claim is not pressed. As a rule the women appear to have considerable freedom in their amatory proceedings, but open prostitution is rarely seen. It is possible, however, that in the interior of the country, at a distance from the stations, other customs may be in vogue."[3] Schweinfurth's experience twelve or fifteen years earlier indicates that this conjecture is hardly in

[1] Frobenius, 100. No further away from the civilisation, such as it was, of his day than Assuan, Benjamin of Tudela accuses the inhabitants of going naked and indulging in absolute promiscuity. These were not Negroes (*Early Trav.* 117).

[2] Post, *Afr. Jur.* i. 472, citing Rubault.

[3] Emin Pasha, 208.

accordance with the facts. The daily witness of the Nubians who were with him "only too plainly testified that fidelity to the obligations of marriage was little known. Not a few of the women were openly obscene. Their general demeanour surprised me very much when I considered the comparative advance of their race in the arts of civilisation. Their immodesty far surpassed anything that I had observed in the very lowest of the Negro tribes." Towards their husbands they exhibited "the highest degree of independence. The position in the household occupied by the men was illustrated by the reply which would be made if they were solicited to sell anything as a curiosity: 'Oh, ask my wife; it is hers.'"[1] The polygyny, which is practised on a large scale, does not seem to have reduced these women to subjection. "Wives are cheap and may be obtained even for nothing." They are very prolific. "Sterility is a disgrace, and sometimes results in the wife being returned to her father. Usually, however, the husband prefers to add to his wives in the hope of obtaining children. . . . Cases of *flagrant* adultery are brought under the notice of the chief, who confiscates the property of the adulterer and gives two-thirds of it to the woman's father and one-third to the injured man." The father is required to provide the husband with another wife, usually a sister of the guilty woman.[2] A more recent writer speaks more strongly still, going so far as to say that "morality is practically non-existent among the Mang-bettou." He ascribes this state of things to the large number of wives monopolised by the chiefs,

[1] Schweinfurth, ii. 91.

[2] Emin Pasha, 208, 209. The italics are mine.

"sometimes up to five hundred," so that "there are no women left for the young men of the village to marry."[1] This, however, hardly agrees with the accounts of Emin and Schweinfurth, and cannot apply universally. The real reason must lie deeper.

Not very different is the report of the Azandi or Niam-niams, neighbours of the Monbuttu. They practise polygyny. All women are said to be in theory the property of the chiefs. "The woman's feelings do not appear to be consulted very much in matters matrimonial; but if she is not happy in her conjugal life she takes the law into her own hands, which is usually by eloping with some spouseless man. . . . Neither the men nor the women are particularly faithful to one another, and absence from one another for more than five or six days puts a great strain on their powers of self-control." A man who had intercourse with a chief's wife would be punished severely, by maiming or disfigurement. But in the case of ordinary people "a present of cloth or beads or spears invariably acts as a salve on the outraged feelings of the husband." Syphilis is very common.[2] We have in a previous chapter considered the institutions of the Dinkas.[3]

Among the Wadjagga marriage is easily dissolved. A man will always send his wife away for sterility; and her father must then repay the bride-price. It is however the woman who usually separates from her husband and betakes herself to another, and that for the most trifling causes. There are women who have

[1] Capt. Guy Burrows, *J. A. I.* xxviii. 46.
[2] Melland, *Journ. Afr. Soc.* iii. 240, 242.
[3] *Supra*, vol. i. p. 313.

had as many as ten husbands. The aid of the chief in such cases can be invoked by either party. The prevailing polygyny causes a still greater sexual laxity among the women than among the men. Many husbands, even men of wealth and rank, regard their wives' proceedings with so much indifference that they make no objection to their adultery. Others, when a lover is caught in the act, only make use of their rights to extort the payment of a few goats. In fact it happens again and again that the husband eggs his wife on, in order to pluck the crow afterwards. The whole sphere of matrimonial causes is so full of baseness and fraud that the chief often gives no damages to either side, being unable to repress his disgust and characterising the affair as *kindo kyesi*, an abominable thing. Husbands, whose moral feeling is strong enough, a German missionary tells us, simply to repudiate an adulterous wife and let her go to her paramour without suing for damages are an exception.[1] Nor is polygyny any better safeguard of sexual morality among the Ngoni on the west of Lake Nyassa. "Men with several wives and many of the wives of polygamists have assignations with members of other families. I have been told," says a missionary, "by serious old men that such is the state of family life in the villages that any man could raise a case against his neighbour at any time, and that is the reason why friendliness appears so marked among them—each has to bow to the other in fear of offending him and leading to revelations which would rob him of his all."[2] Sir Harry Johnston's testimony to the same effect is of more general application

[1] Gutmann, *Globus*, xcii. 31, 32. [2] Elmslie, 59.

"Adultery," he says, "is extremely common, and in very few parts of British Central Africa is looked upon as a very serious matter, as a wrong which cannot be compensated by a small payment. The natives regard it with the same amount of emotion as they would the stealing of their fowls or corn in lieu of buying them, even though the price charged for them is very small."[1]

The Swahili of the east coast profess Islam, but they have little of it beside the name and a few ritual observances. Unmarried girls are free to all men. After marriage a man is required to maintain his wife by giving her rations. But "many women receive no more than five *pishi* of corn for ten days' allowance. This being very little they give themselves up to harlotry for maintenance."[2] Chastity is unknown. "Upon the coast, when an adulterer is openly detected, he is fined according to the husband's rank; mostly however such peccadilloes are little noticed."[3] In the Portuguese province of Sena on the lower Zambesi it is not common for virginity to be preserved beyond the age of twelve. After marriage adultery is common. On discovery the husband may repudiate his wife and receive from her paramour the amount paid for her on marriage, together with a *solatium*

[1] Johnston, *Brit. Cent. Afr.* 412. Between the sentences quoted are others which appear to be a note interpolated by accident in the text. They describe the jealousy of the natives with regard to Europeans. Other observations follow, ascribing to the native women in general fidelity to the marriage-tie while it lasts. I find a difficulty in reconciling these with the emphatic words I have quoted.

[2] Krapf, *Suahili Dict.* svv. *Munda, Posho.*

[3] Burton, *Zanzibar*, i. 419.

called *upombo*. The adulterine offspring belongs to the begetter on payment of the *upombo*—otherwise I infer to the husband. Cases are not unknown in which, for the sake of getting the *upombo*, the husband has induced his wife to commit adultery.[1]

Among the peoples of the Marotse Kingdom in Northern Rhodesia marriage, it is said, hardly exists. A man and woman unite one day and live together as long as they like and separate even more easily than they united. A Swiss Protestant missionary declares the social condition to be the ideal of certain reformers in Europe—free love. It would be difficult to find a man of forty who still retained his first wife. There is no ceremony; the pair enter into no definite engagement. Once the chief authorises the man to marry he is bound to make a few presents to his intended wife, and then they settle down together without the slightest fuss. Even for the children of chiefs there is no ceremony: an ox is killed, or perhaps more than one, for the purpose of a rejoicing; but it is not until the marriage is over. The husband of the king's daughter is only formally brought to the *khotla* and officially recognised the day after the marriage has in fact taken place. Family life, as we understand it, has no existence.[2]

Testimony to the licentiousness of the various branches of the Bantu race dwelling south of the Zambesi is unanimous and emphatic from the earliest writers to the present time. Jakob Francken, who visited Delagoa Bay in the sixth decade of the eighteenth century, says that the Kaffir girls of eleven

[1] M. M. Lopes, *Journ. Afr. Soc.* vi. 364, 356, 382.
[2] Béguin, 113; *Bull. Soc. Neuchat. de Géog.* xi. 99.

and twelve years old are usually all lovers and are reckoned marriageable; jealousy has no place among the Kaffirs, for the mother offers herself and her daughter in the presence of her husband, and sometimes the husband offers his wife; but the Tembe are the most disorderly of all, for as soon as one sets foot in the country the creatures offer themselves, living in this respect like the beasts.[1]

Alberti, who was on military service in Cape Colony at the beginning of the last century, reports somewhat more favourably of the morals of married women among the most southerly tribes, with which alone he came into contact. But the unmarried girls and widows were quite free in their relations with men. It was a token of hospitality to offer to a guest a girl as bedfellow; and if the offer were not made he easily found one for himself.[2] According to the testimony of other writers the bedfellow was not by any means necessarily an unmarried girl, but often among both Basuto and Kaffirs a wife of the host.[3]

Fortunately we possess, in the writings of a Swiss Protestant missionary, an account of the population about Delagoa Bay, which is the most complete and

[1] *Rec. S. E. Afr.* vi. 496, 498.

[2] Alberti, 124, 162.

[3] Endemann, *Zeits. f. Ethnol.* vi. 33; Nauhaus, *Ibid.* xiv. *Verh.* 210. The latter states in comprehensive terms the Kaffir law of adultery thus: A married man is *never* an adulterer as regards his own wife. A wife is only guilty if she yield herself to another man *against the will of her husband.* A man is only guilty who has intercourse with a married woman *without the permission of her husband.* A girl is only guilty who has not been successful in secretly applying the means of abortion constantly in use. A man is only guilty who has ravished a girl and been by her denounced to her father; but this very seldom happens.

careful monograph ever published on any Bantu people. In spite of the wars and devastations which have taken place in South Africa, in spite of the wholesale slaughter repeatedly committed both by Bantu and Europeans, the Thonga tribes which now occupy that part of South Africa are substantially the same as those of Francken's day. It is understood, M. Junod declares, that the young people have the right to make love as much as they like and to go as far as they will. The only restrictions are that a young man is to avoid the married women, and that an unmarried girl is not to become a mother. Within these limits they are free to indulge their passions, and anybody who is continent is more laughed at than admired. The girls are even more abandoned than the boys. The law however is severe on adultery. The adulterer is condemned to repay the bride-price paid by the husband, because he has appropriated something (namely, the wife) belonging to the latter. But the wife is no more punished than a cow stolen by a robber, unless she be caught in the act, when the husband may give himself the pleasure of administering a good thrashing. The question of purity, of chastity, does not enter into the matter; and so indifferent are the women to their husband's morals that they will play the go-between for them in their overtures to other girls.[1] Among the relics of uterine descent found among the Baronga are the close relations existing between the maternal uncle and his nephew.

[1] Junod, *Les Baronga*, 29, 32, 299, 490, 65, 66. As to marriage customs, 32, 490 (*cf.* Endemann on the Bechuana marriage customs and Grützner on those of the Basuto of the Transvaal cited in a note below).

It would be irrelevant here to enumerate their correlative rights and duties. One, however, of such rights is that of the nephew in certain contingencies to inherit his uncle's widows. This right he is accustomed to anticipate whenever he chooses. He calls them wives and they call him husband. He is entitled to amuse himself with any of them as a betrothed lover. When he visits his uncle he deposits his sleeping-mat in the hut of the wife he prefers, and stays with her while he remains at the kraal.[1] Such conduct as this does not come within the Ronga definition of adultery. We can hardly go wrong in believing, though M. Junod is silent on the point, that the hospitality which lends a wife to any other guest is equally outside it. If so, Francken's description is hardly exaggerated. I have already exposed at sufficient length the condition of sexual morality among the Basuto and some of their neighbours;[2] if anything, these tribes are more licentious than the Baronga. A missionary of great experience, writing of the Kaffir tribes of the south as well as the Basuto, but without specifying more closely, says: "Adultery is common, and frequently a woman allures with the knowledge of her husband, as to him

[1] Junod, 77. The term *malume*, maternal uncle, includes a much wider circle of relatives than we are accustomed to associate with it. Among the Mashuna, when an old man has several young wives, a son or younger brother (to whom they would fall after his death) frequently anticipates that event by taking and using them in his lifetime. But this conduct is not viewed favourably by the husband (*S. A. Native Affairs Com.* iv. 80). On the other hand, compare stories of the matrilineal Haidas of Queen Charlotte Islands in which the maternal uncle expressly puts his wife at his nephew's disposal (*Jesup Exped.* x. 604, 746).

[2] *Supra* vol. i. p. 316. *Cf.* Endemann, *Zeits. f. Ethnol.* vi. 39; Grützner, *Id.* x. 82; H. E. Mabille, *Journ. Afr. Soc.* v. 245, 365; Fritsch, 95.

belongs the fine inflicted by the chief on conviction." According to the same writer a paramour is "a recognised institution among the younger wives of old men;" and there are cases of temporary exchange of wives. The latter are not common; they seem to correspond to the practice already noted among the Masai, and to be occasioned by "sterility on the part of one or both wives, it being found that occasionally an exchange results in children being born." Any such offspring belong by law to the lawful husband.[1] Further north, among the Matabele, a chaste woman was almost unknown in the old days. "Even the king's wives very often misbehaved themselves. When they were found out of course they were killed; but they took very good care not to be found out if it was possible."[2]

General licence on the occasion of puberty ceremonies is found among many of these tribes. The boys and girls who have passed through the ceremonies indulge in it freely. Sexual intercourse is, indeed, often compulsory.[3] Nor is it confined to the newly initiated. In the Zoutpansberg District of the Transvaal large assemblies are held by the Bavenda on these occasions. All work is suspended; singing dancing drilling and so forth occupy the people; no man "is allowed intercourse with his own wife, yet

[1] Rev. J. Macdonald, *J. A. I.* xix. 270, 273, 272; *Cape Native Laws Com.* Evidence, 106; *S. A. Native Affairs Com.* ii. 77, 173, 706, 1242. Nauhaus, *Zeits. f. Ethnol.* xiv. Verhandl. 209, 210.

[2] *S. A. Native Affairs Com.* iv. 171.

[3] *Cape Native Laws Com.* Evidence, 81, 212, 218, 273; App. 20, 408; Campbell, *Trav.* 514; Hewat, 109, 111; Callaway, *Tales*, 255; Fritsch, 109, 111; Kidd, 208 *sqq.* *Cf.* the Yao custom, *supra*, p. 123. Hewat, 107, explains why conception follows intercourse more rarely than might be expected.

morals are allowed to become very lax; prostitution is freely indulged in, and adultery is not viewed with any sense of heinousness on account of the surroundings." The practices of the Basuto of the same district are similar: candidates and visitors alike are encouraged in eating drinking and licentiousness.[1] Among the Kaffirs of the south marriages are similar occasions of licence.[2]

A curious purification ceremony is performed by the Bechuana in the month of January. The exact day is fixed by the chief and a gathering of all the adult males is held in the great kraal of the tribe. The leaves of a species of gourd are crushed in the hand and the big toes and navel are anointed with the juice. Every man then goes home to his own kraal and the ceremony is there repeated, the head of the family smearing every member with the juice. Some more leaves are pounded, mixed with milk in a wooden dish and the dogs are called to drink it. That night every man ritually sleeps with his chief wife. If the wife however have been guilty of infidelity during the year she must first confess it to her husband, and must be purified. The purification, if necessary, is performed on the following morning. The husband's father presides at the ceremony, which is performed by a witch-doctor. It consists in fumigating the woman and her husband with the smoke of a bean-plant placed in a pot between the woman's knees as she sits on the ground. Her husband sits opposite her with her knees between his and a kaross of ox-

[1] Wheelwright, *J. A. I.* xxxv. 254, 255; Gottschling, *Ibid.* 372; *Zeits. f. Ethnol.* xxviii. Verhandl. 364.

[2] *Zeits. f. Ethnol.* xiv. Verhandl. 209.

skin is thrown over them both. Husband and wife then make each a slight perpendicular cut with a razor under the navel of the other. With the blood which follows each mixes a little medicine and rubs it into the cut in the other's abdomen. The purification is then complete and the ritual coition may be proceeded with. But if the husband be away from home and unable to return for the ceremony, the wife is entitled to proceed to the ritual coition with some other man. When the husband returns he has to undergo the purification; but even after that he cannot have sexual intercourse with her until the next year's ceremony. If, on the other hand, she have ventured to postpone the ritual coition until her husband's return it is then performed without the purification ceremony. The husband appears to have no right to complain of his wife's performance of ritual coition, in his absence, with another man: it is he, not she, who is thereby placed under a ban and until he is purified by fumigation and the rest of it, his very shadow would be fatal to her or to his children.[1] So far as the meaning of this ceremony can be read, it seems to be a yearly renewal of sexual relations—of marriage—between husband and wife; indeed it is wider than that, it is a yearly renewal of sexual life. Unless the full ceremony be performed the party omitting it, though involuntarily, is subject to the direst supernatural penalties. Attention may be specially drawn to the fact that not only is the wife entitled to perform it in her husband's absence with another man, but that she positively incurs a risk for her husband's sake in postponing it until his return. Moreover no penalty is incurred

[1] Rev. W. C. Willoughby, *J. A. I.* xxxv. 311.

by the infidelities she may confess prior to the performance: they are purged by the subsequent purification ceremony.

The information which we possess in reference to the Hottentots is of a contradictory character. On the one hand Kolben, who visited the Cape of Good Hope at the beginning of the eighteenth century and made a personal study of the Hottentot customs, denies with great emphasis their indifference to the chastity of married women. He asserts that they punished adultery with death, and that a woman who was divorced from her husband by the judgment of the men of the kraal could not marry again during her husband's life.[1] On the other hand, Sir James Alexander, recording his journey about a hundred and twenty years later through Great Namaqualand and confirming Kolben's statements in some other particulars, avers that chastity is of small account among the Namaquas. "The chiefs even, when they go to the sea, lend their wives to the white men for cotton handkerchiefs or brandy; and if a husband has been out hunting and on his return finds his place occupied he sits down at the door of his hut and the paramour handing him out a bit of tobacco the injured man contentedly smokes it till the other chooses to retire. This surely," observes the traveller with surprise, "is the acme of complaisance."[2] It is generally recognised that Kolben's account of the Hottentots errs, if at all, on the side of leniency. He gives no definition of adultery. His description of their wooing, though antenuptial intercourse is not asserted, leads to the inference that it took place. And if a divorced woman

[1] Kolben, 157. [2] Alexander, i. 196

might not marry again we may readily surmise that she did not refrain from the company of men, and that any children she may have borne in consequence would belong to her husband. With regard to Alexander's evidence the transaction with the white men would certainly not come within a Hottentot definition of adultery; nor doubtless would such transactions occur only with white men. Alexander himself reports that sometimes two chiefs would have four wives between them;[1] and an earlier traveller says it frequently happened that a woman married two husbands.[2] Alexander's other statement given above finds abundant confirmation. Among the Hottentots, as in other polygynic societies, the multiplication of wives leads inevitably to irregular connections the more or less open recognition of which is not uncommon. We are therefore not surprised to learn that in some tribes a woman frequently has "a real husband and a *locum tenens* or substitute," and that among the Korana every wife has a lover.[3] Apart from this their dances were occasions of sensuality. The pot-dance of the Hottentots in Cape Colony lasted several days during which unbridled licence reigned, though it is alleged that children probably begotten during this period were all put to death. The nightly dances of the Korana are also described as distinguished by lasciviousness. Fritsch's verdict on the Colonial Hottentots, that they were certainly not remarkable for excessive chastity, is applicable to all.[4]

Among the Bushmen, as we saw in the last chapter, there is little difficulty in putting an end to the con-

[1] Alexander, i. 169.
[2] Thunberg, ii. 193.
[3] *Id.* 42, 64; Stow, 96.
[4] Fritsch, 328, 375, 329.

jugal relation. An experience related by Alexander throws further light on the Bushmen's attitude towards their women. At Great Fountain he had been annoyed by the Namaqua youth seeking the Bushmen women at night in the neighbourhood of his camp. Subsequently bivouacking near the Orange River, where also there were Bushmen, he warned the latter and suggested they should come and put themselves under his protection to prevent a repetition of the proceedings. "To my exceeding surprise," he says, "imbued as I was with notions of oriental jealousy, the Boschmans said: 'Take the women; the people may do with them as they please; what else is the use of them?' Seeing the Boschmans' feeling on this point (beasts could not have been worse) I now thought that the occurrences at the Great Fountain were not of so serious or disgraceful a nature as I had at first imagined they were."[1]

A few of the Bantu tribes on the western side of the continent may be mentioned. Among the Bambala sexual morality in our sense of the word can scarcely be said to exist, and virginity is not considered of the slightest importance. Polyandry, indeed, as an institution does not exist; "but a childless man will secretly introduce his brother to his wife in order that he may have a child by her; such a proceeding is of course, a *secret de polichinelle*." Polygyny is common.[2] The Fans of French Congo "regard virtue very lightly. Before marriage a girl can do nearly as she pleases.

[1] Alexander, ii. 21.

[2] Torday and Joyce, *J. A. I.* xxxv. 410. The Bambala are in a transitional state between motherright and fatherright, (See *supra*, vol. i. pp. 276, 282.)

It is absolutely safe to state that it would be almost impossible to find a maiden in a Fang village over sixteen years of age. Adultery is common and one of the chief causes of 'women palavers.' Women rank first in value as goods for trade, next in value are goats, then guns and cloth." Wives are lent to guests.[1] A French traveller relates, in illustration of the absence of jealousy and the desire to make money out of their wives' favours, that a few days before he had seen a husband posted as sentinel at the entrance of his hut in order that no importunate man might disturb the passing amours of a native militia-man in the traveller's retinue with one of his wives.[2]

Among the Bakoko in the Cameroon a bride-price is paid. If before betrothal a girl be free of her favours the suitor disregards it with equanimity. A man frequently bespeaks a girl as soon as she is born and pays the bride-price by instalments until she arrives at a marriageable age. If after betrothal and before marriage the girl have sexual intercourse with another man the engagement is broken off, and the girl's family must repay the amount received. Divorce is easy, at least to the husband, but he rarely makes use of the privilege. A married woman is not sacred from her husband's brother and is not backward in reciprocating his advances. Any man who fancies his neighbour's wife can hire her from him for a cask of powder or its equivalent. The desire for the goods will conquer any reluctance the husband may feel. But sexual intercourse with a married woman without the husband's consent entails on both parties a severe thrashing

[1] A. L. Bennett, *Id.* xxix. 70, 79. *Cf.* Nassau, 6, 10, 370. Roche, *Pahouins*, 95, 96.

by the husband, if discovered, though the seducer may escape if willing to pay compensation. No punishment follows the seduction of a maiden who is not betrothed to some one else; nor is she dishonoured by it. If it come to the father's ears the lover pays a sum of money and the affair is settled. "In general the Bakoko consider their wives and daughters as a source of gain. The seducer is in their eyes only a human being who wants to cheat them of the money that is due to them."[1] Comparatively few brides among the Banaka and Bapuku are maidens. When a bridegroom finds his bride a maiden it is a subject of great rejoicing; he congratulates her parents, telling them that he has found a pure wife and thanking them heartily for so valuable a benefit. When a man has agreed on the bride-price and has begun to pay it he is entitled to secret intercourse with his bride. Men lend their wives, and put them at the disposal of a guest. Otherwise a man is entitled to compensation for an infidelity on the part of his wife. A child belongs to his mother's husband whoever may have been the father: if begotten by other than the husband the actual father has no right to him.[2]

The Haussa Fulba wife is lent by her husband "for a consideration" to other men; or he winks at her love-affairs in order to swoop down upon her lovers for compensation. But all her children are his; they enhance his position in society, and he is proud of them. Even if he be absent for years from her and on returning find an increase in his family, he makes no fuss

[1] Eberhard von Schkopf, *Beiträge zur Kolonialpolitik*, iv. 524.

[2] Steinmetz, 36, 38. The accounts differ as to the extent of the freedom of an unmarried girl.

about it. He accepts it as his own child, or forgives her: at worst he quietly forsakes her company for that of his other wives.[1]

Among the Mande of Kong and Jimini husband and wife are nominally required to be faithful to one another. But polygyny without limit is permitted, and the husband is merely required to pay a sum of money to a wife whom he forsakes in too notorious a manner for another. On the other hand, no punishment falls on the wife for adultery. Her accomplice, if a free man, is fined by the village chief to the extent of a few fowls; if unfree he is liable in addition to be put in fetters. The offspring of adultery does not inherit, but becomes the property of his mother's brother. Like other domestic slaves, he cannot be sold and is always well-treated; he may marry a free woman, and his lot is said to be by no means unhappy.[2] On the other hand, among the Mande of Seguela every child born by whatever father during the marriage is considered as the husband's child. Husband and wife are considered to owe a reciprocal duty of fidelity. But adultery is not in general a cause of divorce on either side: a pecuniary indemnity is all that the offended party can demand. Even long absence of the husband and omission to maintain the wife meanwhile are not a cause of divorce. The woman in such a case is authorised, generally at the end of a year, to go and live with some other man. When the husband returns he takes her back, together with any children that may have been born in his absence. Illegitimate children born before the marriage belong to their mother who has full parental rights over them; but

[1] *Globus*, xciv. 61 *sqq.*

[2] Clozel, 318, 319, 320.

if she afterwards marry the father their position is regularised and they belong to him. Divorces are pronounced by the head of the family, with the concurrence of some of the relations or friends, unless they take place by mutual consent, when it is enough to declare them in the presence of four witnesses.[1] In Benin very few women are true to their husbands, many of them having at least one lover. When a child is born the woman does not declare who is its father until her husband is dead. Many women live openly with their lovers. The great majority of lawsuits are for the return of the wife, and many women prefer prison to returning to their legal husbands.[2] In the neighbouring Ibo country there is a yearly festival called *Mbari* (beautiful) held in the principal villages, and the most comely young women take part in it. During the festival there is absolutely no restriction placed upon them at night, "and they visit where and whom they wish. Even women who are married and live away return to their native villages on these occasions." The festival lasts for some weeks.[3] Among the Yoruba-speaking peoples in general adultery is intercourse by a married woman with other men than her husband without his knowledge and consent; but husbands lend their wives (and more frequently their concubines) to their guests and friends.[4] The Ewhe-speaking people of German Togoland have a moral code hardly more developed.

1 Clozel, 331, 329, 330.

2 Dennett, *At the Back*, 199, 198. See as to the privileges of the king's daughters, 176.

3 *Man*, iv. No. 106; *Journ. Afr. Soc.* iv. 134.

4 Ellis, *Yoruba*, 182.

Among the Hos adultery is deemed of less consequence than theft; and to be found out in theft, though a disgrace, entails no serious punishment. A mother, for instance, will comfort a son who has been discovered in an intrigue, by telling him that after all it is not larceny and what he has done can be repaired with a few cowries. A married man usually has "lady-friends" in his neighbour's harems. If he goes about to markets or on other business he has mistresses in all the villages to which his affairs take him. A husband who discovers an intrigue contents himself at first with admonishing his wife; if admonition have no effect she may be sent away. The matter is arranged with the disturber of his domestic bliss by means of a simple warning or at most a trifling fine. In the case of friendly or related stocks this fine was until a few years ago no more than sixty pfennings. It is only in the case of strange or hostile stocks that it leads to bigger demands or formerly to war. Open concubinage is also practised with (among others) widows and wives who have been dismissed by their husbands. The offspring however, if any, always belong to the lawful husband, no difference in heirship or otherwise being made between them and his undoubted children; and only the husband dares even to bury an adulterine child who may happen to die. Among the Matse unmarried girls have full sexual liberty. If a girl have a lover and marry any other man, the latter exacts compensation from the former; but if subsequently satisfied that his wife has given up the lover since her marriage he remits it. A woman is never punished for adultery, unless her intrigue has caused her husband's death, probably by witchcraft as

among the Wayao. She is only punished for obstinate refusal to live with him.[1]

The Bassa Komo on the Benue in Nigeria do not regard adultery as a punishable offence. It may cause a quarrel—even a fatal quarrel—between the husband and the adulterer; but it is no cause of repudiation of the wife. Indeed the adulterine issue belongs to the husband, so far as we can gather, just like his own children.[2]

Among the Tuareg the freedom of women goes very far. The dissolution of morals is said to be unprecedented. Though the women largely outnumber the men their infidelity seldom puts an end to the marriage. The husband may quarrel with the paramour, scold his wife or even go the length of giving her a few blows, but that is all. A murder on that account would entail the penalties of murder, and is in fact unheard of. The women practically do what they like with no interference by the men before marriage, and very little after. If they are tired of a marriage they put an end to it without further ado; it is extremely rare for a husband to take such a step.[3]

Among the Berbers a friendly exchange of wives is said to take place often between two men. The owner of the less young and plump wife pays money by way of equality of exchange.[4] The Berbers of the Tunisian oases are reported to hold women in great

[1] Spieth, 120, 195–197, 187, 744. As to ceremonial observances in connection with the worship of some of the gods, *Id.* 797, 802.

[2] *Journ. Afr. Soc.* viii. 15.

[3] *Globus*, xciv. 188.

[4] Post, *Afr. Jur.* i. 471, citing Rohlfs, *Beiträge zur Entdeckung und Erforschung Afrikas*, 1876, 89.

contempt, "not even doing them the honour of being jealous of them." In the oasis of Gofsa cuckolds used to be openly ridiculed and never took serious offence; "in fact it was customary to select as *kaid* one of those who had been most compromised in this respect."[1] An interesting relic of the hospitality which lends a wife to a guest is found among the Mohammedan Krumirs. A stranger visiting the tribe is received by one of the tribesmen and lodged in the same tent with his host's wife. But the husband mounts guard at the door, gun in hand, and the least movement on the stranger's part during the night draws upon him the husband's menaces, and often even death at his hands. The influence of Islam has not been sufficient to put an end to the ancient guest-right, though it has reduced it to an empty ceremony.[2]

Mohammed imposed no ascetic regard for continence upon his followers if they belonged to the male sex, but he displayed less concern towards the desires and appetites of the women. His modern adherents, at all events among the Bedouins, however, have remedied all that. Community of women, rather than polygamy, Mr. Palgrave who travelled among them tells us, is their connubial condition. It is emphatically a wise Bedouin child who knows his own father. Their current saying with reference to sexual matters is "dogs are better than we are," and the traveller from his own observation gives them "credit for having so far at least spoken the truth the whole truth and nothing but the truth."[3] This account is with all its emphasis vague. A native writer cited by

[1] Bruun, 296. [2] Bertholon, *Arch. Anthr. Crim.* viii. 609.
[3] Palgrave, *Arabia*, i. 10.

Sprenger gives further particulars of the customs of the town of Mirbât. He states that the women go every night to the outer part of the city and devote themselves to strange men, sporting with them the greater part of the night. Meanwhile the husband brother son or nephew goes by without taking any notice and entertains himself with another woman.[1] On the other side of the Red Sea the Hassenyeh Arabs of the White Nile practise a curious form of marriage. The most respectable people marry for not more than four days in the week, and sometimes for fewer. During these days the wife is required to observe matrimonial chastity. On the other days she is free to receive whatever man she may fancy; and husbands appear pleased with any attention paid to their wives during their days of freedom; it is so much evidence that they are attractive.[2] The same people are reported to place a wife at the service of a guest.[3] At Mecca the old mother-goddess Al-Uzza was worshipped in "the times of ignorance." She was probably identical with Semitic goddess of fertility adored under various names all over Western Asia and carried by the Phœnician colonies to Carthage and elsewhere. The festivals in her honour were everywhere licentious, as became her character. Such festivals are still held at Mecca under another patronage; and they are still as of old licentious.[4] At some of these festivals in Arabia held in

[1] Barton, 44. [2] *Id.* 63, citing Wilken, *Matriarchaat*, 24.

[3] Post, *Afr. Jur.* i. 472, citing Taylor. Dulaure, 301 note, cites two examples of the rites of hospitality in Arabia and Syria: doubtless many more could be added.

[4] On the worship of the Semitic goddess see Frazer, *Adonis*, Bk. i. *passim; Tylor Essays*, 189 *sqq.*; Augustine, *Civ. Dei.* ii. 4, 26; Barton, 233 *sqq.*

connection with the circumcision of children, where no licentious acts are now performed, the original nature of the rites is unmistakably exhibited in the dances by maidens, while the young men stand by and select their wives from the dancers.[1]

Returning to the continent of Australia we will consider the sexual relations, so far as they concern the present argument, of the Arunta and their neighbouring tribes on either side of the Macdonnell Range. These tribes are in the patrilineal stage. Their matrimonial arrangements differ somewhat from those of the Dieri considered on an earlier page, inasmuch as the relation of *pirrauru* is unknown. But the appropriation of a woman to one husband is hardly less qualified on that account. Like the Dieri each of these central tribes is divided socially into a number of groups of men on the one side and of women on the other who stand in the relation of *unawa* (Dieri, *noa*) or potential spouses to one another. When a girl arrives at

[1] Barton, 99, 100, 110, citing Doughty, *Arabia Deserta*, i. 340. Concerning the manners of the Druses of Mount Lebanon the Spanish rabbi Benjamin of Tudela, who visited Palestine in the twelfth century, relates that fathers committed incest with their own daughters and that once a year a festival was held at which promiscuous intercourse took place. This was perhaps a calumny (*Early Trav.* 80. *Cf.* Churchill, *Mount Lebanon*, ii. 1853, 238–241). The Yezidis, or Devil-worshippers of Asiatic Turkey, are reported to sanction unions of a kind that would be called irregular and adulterous by either their Christian or their Mohammedan neighbours. Indeed, if the admission of an attendant at the principal Yezidi shrine near Mosul, made to Mr. Badger, can be relied on such unions are part of their religious worship, or at least are ordinary incidents in the precincts of the shrine. The admission however was vague, was instantly though ambiguously denied by an elder attendant, and the form of Mr. Badger's examination of the witnesses as recorded by himself does not carry conviction (Badger, *Nestorians*, i. 109).

maturity she will have been allotted to one of the men who are *unawa* to her. Before she is handed over to him she has to undergo a cruel and revolting rite which is performed with the cognisance but not, among the Arunta, in the presence of the bridegroom (if we may dignify him by that name). The rite is immediately followed by sexual intercourse with the men who take part in it, beginning with men with whom intercourse is at ordinary times forbidden and concluding with those who, like the bridegroom, are *unawa* to her. She is then adorned with head-bands and tufts of fur, with necklaces and arm-bands of fur-string, and her body is painted all over with a mixture of fat and red ochre. Thus decorated she is handed over to her husband, who will most likely send her back the next day to the same men for a repetition of the intercourse, though it is not, among the Arunta, obligatory on him to do so. From that time she becomes exclusively appropriated to him, subject to certain tribal customs.[1] The first of these customs is the right to lend her when he pleases to men who stand in the relation of *unawa* to her. Such loans are usually made to guests who are visiting the tribe. They are dependent on the husband's will, and are a mark of personal favour by him to the visitor or other friend in question. But tribal custom, independent of the husband's will, limits his exclusive ownership of the woman much more seriously. On the occasion of an important corrobboree it is every man's duty at different times to send his wife to the ground, that the men

[1] S. and G., *Cent. Tribes*, 92 *sqq.* 107; *North. Tribes*, 133 *sqq.* There seems some doubt whether after all the Arunta are properly speaking in the stage of fatherright.

present may have access to her. And as in the rites preliminary to appropriation by her husband the proceedings commence with intercourse on the part of a man who is, except on ceremonial occasions, most strictly forbidden to her.[1] During the boys' puberty ceremonies there is also at one period a general interchange of women ushered in by a special dance by the women, whose decorations and movements are of an unmistakable character.[2] If a woman's allotted husband die, she is usually handed on to one of his younger brothers, who first of all lends her for a day or two to other men. Among the Kaitish, for example, the first men who thus have intercourse with her are such as are ordinarily prohibited; and as in the ceremony prior to her marriage it is only after passing from the hands of these that men who are in the relation of *unawa* are allowed intercourse with her.[3]

There are other occasions on which women are lent either ceremonially or as a token of goodwill, but we need not here follow the details. It will suffice to say that frequently the sexual licence amounts to absolute promiscuity, when men have intercourse with women whom at other times they dare not touch, under penalty of death for incest. There is abundant evidence to justify Messrs. Spencer and Gillen's conclusion that while jealousy is not unknown among these tribes it is but feebly developed. "For a man to have unlawful intercourse with any woman arouses a feeling which is due not so much to jealousy as to the fact that the delinquent has infringed a tribal

[1] S. and G., *Cent. Tribes*, 93, 98, 381, 96.
[2] *Ibid.* 381.
[3] *Ibid. North. Tribes*, 136.

custom." If the intercourse has been with a woman who belongs to the class from which his wife comes he is called a thief; if with one with whom it is altogether unlawful for him to have intercourse, then he is called *iturka*, the most opprobrious term in the Arunta tongue. "In the one case he has merely stolen property, in the other he has offended against tribal law."[1] The status of the children does not depend upon paternity. There is no such thing as an illegitimate or adulterine child. Any child a woman may have is reckoned to the phratry and class of her husband, and he has presumably some sort of property in it, though according to native belief he is concerned in the procreation at most in a wholly subordinate way, as we have seen in a previous chapter.[2]

If the central tribes are an extreme example of the indifference among the patrilineal natives to what we regard as female virtue, it is certain that a similar attitude may be traced elsewhere. Among the tribes about Maryborough in Queensland the unmarried girls, with perhaps some widows, camped away from the main camp and there were courted by the young men. At the end of the puberty ceremonies marriages were arranged after the fashion of the rape of the Sabines; and unless a man kept a good look-out upon his *lubra* it was more than probable that she would be missing after such a raid by the men in want of wives. Wives were lent to strangers. Women however who were always laying themselves out to attract men

[1] S. and G., *Cent. Tribes*, 98–100, 106, 381.

[2] *Supra*, vol. i. p. 237; S. and G., *Cent. Tribes*, 68, 72; *North. Tribes*, 96. I use the terms *phratry* and *class* for *moiety* and *subclass*.

obtained a bad reputation; and entertainment was often provided by their means for visitors.[1] The Narrinyeri youth, after completion of the puberty ceremonies, had full licence as to the younger women, even those of their own class and totem. Marriages were effected by way of exchange of sisters or other female relatives. A man had the right to exchange his wife for the wife of another man, but the practice was not looked upon favourably by his clan. Marriage by elopement also occurred, but the woman was regarded with disfavour, because there had been no exchange of a sister for her. A young man might call his comrades to help him in an elopement, but they then had the right of access to the girl; and his male relatives would only defend him from the girl's kindred on condition of access to her.[2] Elopement was the ordinary method of marriage among the Kurnai: it was effected with the assistance of the bridegroom's comrades who had been initiated at the same ceremony as himself, and their help was given on the same condition as among the Narrinyeri. When the Aurora Australis was seen it was believed to be Mungan's fire which might burn the people up. To avert this danger the old men instituted a magical ceremony, part of which was a general exchange of wives for a day. Men also lent their wives to guests. Dr. Howitt further cites a case within his personal recollection where a Kurnai, having two wives, lent one to a friend who was going on a journey by himself,

[1] Howitt, 232 *sqq.*

[2] *Id.* 260, 261, 674; Taplin, *Narrinyeri*, 14. The latter also says (p. 10) "that on some occasions amongst a certain class of natives a great deal of licentious revelry will take place." He is speaking of native weddings.

saying: "Poor fellow! He is a widower and has a long way to go, and will feel very lonely."[1] The Yerkla-mining rarely lend women, "excepting to visitors, but it is occasionally done for a friend who has no wife; but in all cases only to one who is of the proper class-name [that is, to whom the woman might legally have been married]. The most frequent case is when one of the Headmen (medicine-men) requests a loan for some friendly visitor."[2] Among the Narrang-ga tribes of Yorke Peninsula, "when the local totem-clans met at some tribal ceremony brothers exchanged wives for a time, but did not lend them to strangers."[3] The Yuin lent their wives to guests. A man who had more wives than he had an immediate use for would sometimes give one away to a poor fellow who had none.[4] This was a thoroughly businesslike arrangement: he reduced the number of mouths he had to hunt for and at the same time secured the attachment of the woman's new husband. Lastly, among the Yaitmathang a youth after passing through the puberty ceremonies might choose any woman of the tribe, his own blood-relations excepted, for the night.[5] In this case, as among the Narrinyeri, it would seem that the class-restrictions on mating were disregarded as well as the rights of husbands. It is obvious that among the Blackfellows the laxity of sexual relations was in no way affected by the change of reckoning from maternal to paternal descent.

[1] Howitt, 276, 266. [2] *Id.* 258.

[3] *Id.* 260. The term *brothers* must be understood in the wider sense according to native reckoning.

[4] *Id.* 266. On the universality of the practice of lending a wife to a guest *cf.* Brough Smyth, ii. 301; as to the licence at corroborees and on other occasions, *Id.* 319. [5] Howitt, 566.

We have in an earlier part of the present chapter discussed the sexual relations of various American tribes which reckon kinship through the mother. • We have still to consider those of the tribes which have advanced to agnatic descent or which recognise kinship through both parents. Here we find the practice of offering the wife or other female dependent to a guest for temporary companionship very widespread, if not universal. Lewis and Clark's expedition up the Missouri in the year 1804, was received in a friendly manner both by the Sioux and the Arikara Pawnees, and the men were literally persecuted with offers of squaws for their use. The women besides were "disposed to be amorous," and the men found no difficulty in procuring companions for the night. But while these interviews were among the Sioux chiefly clandestine and nominally secret from the husband or other relations, among the Arikara the etiquette was reversed. "That the wife or the sister should submit to a stranger's embraces without the consent of her husband or brother is a cause of great disgrace and offence, especially as for many purposes of civility or gratitude the husband and brother will themselves present to a stranger these females and be gratified by attentions to them." In other words the unauthorised embraces were an infringement of the husband's property, which, on the other hand, he had no hesitation in offering in the name of hospitality and friendship.[1] The Mandans and the Minnetarees welcomed the expedition with similar demonstrations.[2] The Sho-

[1] Lewis and Clark, i. 157, 161.

[2] *Id.* 189, 215. The white traders of a later date used to enter into alliances similar to those of the African traders so graphically

shonees were not indeed so importunate in volunteering the services of their wives, yet a Shoshonean husband would for a trifling present lend his wife for a night to a stranger and prolong the loan in consideration of an addition to the value of the gift. He would however regard favours which he had not authorised as "highly offensive and quite as disgraceful to his character as the same licentiousness in civilised societies."[1] The members of the expedition found the persevering gallantry of the Chinook and Clatsop women particularly troublesome. Their kindness always exceeded the ordinary courtesies of hospitality. A man would lend his wife or daughter for a fishhook or a strand of beads. To decline the offer was to disparage the lady's charms; and nothing seemed to irritate both sexes more than the refusal to accept the favours of the women. A chief came one day with his two squaws, whose services he offered to the two chiefs of the expedition. When they were refused both he and the whole party of Indians were greatly offended, none more so than the ladies themselves. The unmarried girls were their own mistresses; and, as among all the other Indians with whom the leaders of the expedition were acquainted, they were in the habit of soliciting the favours of the other sex, with the full approval of their friends and kindred.[2]

Later inquiries have fully confirmed this account of the Chinook and resulted in extending it to other tribes of the neighbourhood. We are told in general terms of

described by Miss Kingsley. These were always of a temporary character, and did not injure a lady's future prospects when the connection came to an end (Catlin, i. 120).

[1] Lewis and Clark, ii. 119.

[2] *Id.* 331, 291.

the tribes of Western Washington and North-western Oregon that the idea of chastity is entirely wanting in both sexes. "Prostitution is almost universal. An Indian, perhaps, will not let his favourite wife, but he looks upon his others, his sisters daughters female relatives and slaves, as a legitimate source of profit; and this seems to have been a trait of the coast tribes from their first intercourse with the whites. Occasionally adultery forms a cause of difficulty; but it is then only because the woman is reserved for the time being to the husband's use, or because he fears to be cheated of his just emoluments. Cohabitation of unmarried females among their own people brings no disgrace if unaccompanied with childbirth, which they take care to prevent."[1]

The Mandans, another of the tribes visited by Lewis and Clark, are said by later travellers to have punished adultery on the part of the wife by cutting off her nose.[2] Here as elsewhere adultery means the bestowal of favours by the wife upon another man without her husband's consent, which we have seen was often given. When a certain dance, called the dance of the half-shorn head, was sold by its Mandan possessors, they received in part payment the temporary use of the wives of the purchasers, each woman having the right to choose her consort.[3] With such customs it is

[1] G. Gibbs, *Contrib. N. Am. Ethn.* i. 199.

[2] Will and Spinden, *Peabody Mus. Papers*, iii. 131, apparently on the authority of Maximilian Prince of Wied. The same punishment was said to be inflicted by the Ojibways and Blackfeet; but among the latter it does not prevent the women from painting their faces as an invitation to men (Petitot, *Traditions*, 492).

[3] Dorsey, *Rep. Bur. Ethn.* xi. 505, citing Maximilian, *Trav. N. Amer.* 426.

hardly surprising that, notwithstanding the severe punishment awaiting adultery, what is technically called virtue in a woman was rather scarce. The men boasted their love-exploits and often carried about the village small bundles of sticks each representing a conquest, or one big stick with stripes indicating the number. The Hidatsas had a similar custom.[1] In Montana a Crow husband, with the aid of a party of his male friends, inflicts condign punishment on a faithless wife by compelling her to submit to their embraces, and erects a monument of stones on the spot as a witness of her shame. He then dismisses her. But this does not seem to prevent her remarriage, and with that event she is restored to social consideration. Nor does it affect the prevalence of sexual immorality among both old and young of the tribe.[2]

Among the northern Maidu of the foot-hills adultery was said to be very common, and the general moral status in sexual matters was low. When a girl among the north-eastern Maidu came to puberty dances were held during four consecutive nights and great licence was permitted. Dancing couples would drop out of the ring or line and wander away into the brush, to resume their places later in the dance. Young and old, married as well as single, all took part; and while a woman might refuse to yield herself it was considered evidence of bad temper and was widely commented on.[3] Hunter, who lived in captivity with the Kickapoos Kansas and Osages during his childhood and early manhood in the opening years of the last century, tells

[1] Will and Spinden, *loc. cit.*
[2] S. C. Simms, *Amer. Anthr.* N.S. v. 374.
[3] Dixon, *Bull. Am. Mus. N. H.* xvii. 240, 236.

us that jealousy was a passion but little known and much less indulged by those tribes. The principal causes of divorce were indolence intemperance and cowardice. He adds to these impotence and sterility, but takes care to say that he had never known an instance of either and concludes that they must be exceedingly rare. Separation of husband and wife depended upon the wife's will as much as the husband's; and if she chose to leave him and return to her parents she found no difficulty in marrying again.[1] Another account says of the Osages that a man's concubines (probably meaning his subordinate wives) were offered to a guest. The Assineboin in return for hospitality of this kind used to stipulate for a present.[2] We gather from the traditional narratives of the Foxes that marriages were easily put an end to, and that the first night of a marriage, or sometimes more, was not very rarely given up to a brother or a specially beloved friend.[3]

Among the Dene or Athapascans of the north of Canada the temporary exchange of wives was regarded as a pre-eminent token of friendship and the greatest proof of hospitality. The majority indeed of the Dene have little regard for chastity; and the lewdness of the Carrier women is said to be unsurpassed.[4] To the south-west of the Ungava district dwells a tribe of Indians, perhaps related to their neighbours the Montagnais of the early Jesuit missionaries. It is not clear from Mr. Turner's account of them whether they

[1] Hunter, 247.
[2] Post, *Studien*, 345, citing Waitz.
[3] Jones, *Fox Texts*, i. 217, 305, 313.
[4] F. A. G. Morice, *Anthropos*, ii. 33, 32

reckon kinship through the father or the mother. The women are treated well and no notice is taken of occasional laxity in their morals so long as it is not notorious. In the Ungava district itself the Nenenot or Naskopie men exhibit less jealousy than the women. Their sexual relations are very loose. Continence on the part of either husband or wife is unusual, and only notorious unchastity is sufficient to cause the offender to be put away. The paternal origin of a child is therefore often obscure. For that reason we are told the husband at the time of the child's birth is supposed to be its father.[1] While accepting the facts we may be permitted to doubt the author's reasoning. The Kwakiutl believe "that the birth of twins will produce permanent backaches in the parents. In order to avert this the man, a short time after the birth, induces a young man to have intercourse with his wife, while she in return procures a girl for her husband. It is believed that the backache will then attack them."[2] Among the Ahts of British Columbia and the more northern tribes of the coast the temporary present of a wife is one of the greatest honours that can be shown to a guest.[3] The Aleuts of the American islands exchanged wives and a rich woman was permitted to indulge in two husbands.[4] In fact, the custom of lending or exchanging wives in token of hospitality and friendship, on certain ceremonial occasions, or as the price of obtaining

[1] Turner, *Rep. Bur. Ethn.* xi. 183, 269–71.

[2] Boas, *Brit. Ass. Rep.* 1896, 575.

[3] Sproat, 95. Some of the tribes vaguely alluded to by the writer are doubtless matrilineal.

[4] Bancroft, i. 92.

secret knowledge, was very general among the North American tribes and has been noted by explorers and other observers from the earliest period.[1]

Mention has been made of ceremonies in other parts of the world in which more or less promiscuous ritual coition is practised. Such festivals are by no means wanting among the aborigines of North America. While the expedition of Lewis and Clark sojourned in one of the Mandan villages a buffalo dance was performed. The object of this celebration was to obtain the return of the buffaloes, which had become scarce. At the appointed hour the old men seated themselves cross-legged on skins round a fire in the middle of the lodge with a doll dressed like a young woman placed before them. Each young man brought a platter of food a pipe of tobacco and his wife, who was dressed only in a robe or mantle thrown loosely around her body. Selecting the old man whom he intended to honour he spread the food before him, offered him the pipe and smoked with him. Immediately the old man exhibiting the image threw it on the ground and stepping out of the circle pretended to attempt sexual intercourse with it as if with a woman. The young man's wife at once casting herself on the elder folded him in her arms, and her husband humbly prayed that he would honour him by embracing

[1] Mooney, *Rep. Bur. Ethn.* xix. 456. Mr. Mooney's remark is called forth by a Cherokee tale in which a husband changes shapes with a buzzard to obtain success in hunting deer. While the husband in the form of the buzzard flies to locate the game, the buzzard in the husband's form goes home to entertain his wife. An Ojibway tale (*Journ. Am. F. L.* xix. 229) relates this practice of another tribe which cannot be identified, but implicitly repudiates it for the Ojibway. The repudiation can hardly be relied on.

her there and then. Often the elder at first appeared reluctant, but at length moved by the youth's perseverance, by his prayers gifts and even tears, yielded to his solicitations, the husband meanwhile standing by, rejoicing at the honour which was being done him and at his dignity thus preserved by acceptance of his offer.[1] The buffalo was the most important animal to the Indians of the Plains. When the buffaloes were absent, want of all the necessaries of life threatened the people. The presence of a herd and a successful hunt meant plenty and wealth and whatever an Indian required to fulfil his ideal of happiness. There can be little doubt that this strange scene, which amazed the explorers beyond measure, was a magical process intended to draw the buffaloes back and with the buffaloes the prosperity of which they were the symbol and the substance. Nor was this the only ritual of the kind performed by the Mandans; but in the other orgy witnessed by the explorers it is stated that all the women taking part were unmarried. In the same way at the great buffalo medicine-feast of the Hidatsas, said to have been instituted by the women, when prayers were offered for success in hunting and in battle, the men and women indulged in something like promiscuous intercourse.[2]

One other example will suffice. The Arapaho, an Algonkin-speaking people, were discovered at the beginning of the last century inhabiting a territory which now forms the eastern half of Colorado and the south-eastern quarter of Wyoming. Their principal

[1] Lewis and Clark, i. 209.

[2] Dorsey, *Rep. Bur. Ethn.* xi. 505, citing Maximilian, *Trav. N. Amer.* 419.

religious ceremony is called the Sun-dance. It is performed from time to time in compliance with a vow made by a member of the tribe at some crisis of his life, such as sickness either of himself or some of his kindred, lunacy, ominous dreams or for deliverance from a great danger, as when sorely pressed on the war-path. The whole community joins in the performance, which consists in an elaborate series of solemn rites extending over eight days and undertaken in a deeply religious spirit. A great lodge is built, every portion of which with its accessories is symbolic. One of the chief functionaries is the Lodge-maker, and another is his official "grandfather," the Transferrer. At a certain point of the performance the Lodge-maker's wife and the Transferrer leave together the Rabbit-tipi, a lodge where the secret preparations are made for the dance. Deliberately and solemnly and in ritual order they prepare for this duty. The woman flinging a buffalo robe around her removes all her clothing, and covered only with a robe she follows the Transferrer who is similarly clad. While a sacred song is sung and intense emotion prevails in the lodge, they pass out by a sunwise circuit over the fumes of rising incense, and proceed to a spot a short distance from the lodge. It is midnight. After a few moments' prayer in which they both emphasise the fact that they are about to do that which was commanded at the time of the origin of the ceremony and that what they are about to do is in keeping with the wish of their Father, the woman throws her covering on the ground and lies down on her back. The Transferrer standing by her side offers her body to Man-above, the Grandfather, to the Four-Old-Men and various

minor gods. No doubt can be entertained that formerly this offering was followed by actual intercourse between the Transferrer and the Lodge-maker's wife. But it is averred that this is now prohibited, and it was not certainly performed when the ceremony was witnessed by Mr. Dorsey in 1902. During the act of intercourse, whether really or only in symbol enacted, the Transferrer places in the woman's mouth a piece of root which is transferred to the Lodge-maker's mouth from his wife's on her return to the tipi. The woman re-entering the tipi addresses her husband: "I have returned, having performed the holy act which was commanded"; whereupon he and the other dancers thank her and pray for her success. The rite is repeated with similar formalities on the second night following, after the great offerings-lodge is completed, but before the first dance actually commences. In this rite—a dramatic representation in intimate relation with the myths of the tribe—the Transferrer represents the Man-above, while the woman represents the mother of the tribe. The root placed in her mouth represents the seed or food given by the All-Powerful (Man-above), "while the issue of their connection is believed to be the birth of the people hereafter, or an increase in the population." The rite is also a plea to all protective powers for their aid and care.[1] It is thus believed to have a potent influence on the well-being of the people. Nor is this all. "At the sun-dance an old man crying out to the entire camp-circle told the young people to

[1] Dorsey, *Field Columbian Mus. Pub.* Anthrop. iv. 173, 101. The neighbouring tribe of the Cheyenne had the same rite at the Sun-dance (Dorsey, *Id.* Anthrop. ix. 130).

amuse themselves; he told the women to consent if they were approached by a young man, for this was their opportunity; and he called to the young men not to beat or anger their wives, or be jealous during the dance: they might make a woman cry, but meanwhile she would surely be thinking of some other young man. At such dances the old women say to the girls: 'We are old, and our skin is not smooth; we are of no use. But you are young and plump; therefore find enjoyment. We have to take care of the children, and the time will come when you will do the same.'"[1]

In Central America the sexual morality of the Mosquito Indians leaves much to be desired from our point of view. To be sure, a married pair will seldom separate, though either of them can do so at pleasure; for wives are hard to find and to be without a wife is not only an ignominious but a most distressing plight for an Indian. Whether in consequence of this or not, the women are allowed complete freedom and infidelity is common. The husband if he discover it is usually contented with payment of the customary fine.[2] In Mexico, according to Mr. Lumholtz, the uncivilised Tarahumare is in the ordinary course of his existence too bashful and modest to enforce even his matrimonial rights and privileges. Happily there are numerous feasts, as well private as public, at which *tesvino*, the national intoxicating liquor made from Indian corn, is offered to the gods and consumed by mortals, else the race would die out. On these occasions sacrifices are offered, dancing and drink are

[1] Kroeber, *Bull. Am. Mus. N. H.* xviii. 15.
[2] Bell, *Tangweera*, 261. *Cf.* 197.

freely resorted to, and the solemnity ends with an orgy. When it is time to return home the track is strewn with men and women who, overcome with the effects of their spree, have lain down wherever they happened to be to sleep themselves sober. Especially at the agricultural festivals sexual promiscuity takes place; and perhaps it is in some measure at least looked upon as a ritual performance not unpleasing to the higher powers.[1]

In South America among the tribes of the Paraguayan Chaco very little jealousy appears to exist. A missionary who records this thinks it speaks well for the women; but, on the other hand, he definitely states in the next sentence that no punishment is meted out to the offender for theft fraud or adultery.[2] The women of the Mboyas, one of the Paraguayan tribes, bestowed their favours on the slightest inducement being held out to them. Generally among the Paraguayan tribes it is said that chastity was entirely unknown; fathers-in-law freely indulged in sexual intercourse with their daughters-in-law. The animal passions were gratified in public without concealment. A wife could be put away without the least formality; no shame or dishonour on either side attached to repudiation. Among some tribes polygyny was permitted only to the *cacique*. He claimed the privilege of selecting the fairest damsel of the village as his bride, and he sometimes handed her over to his ollow ers to be deflowered.[3] The Araucanians cele-

[1] Lumholtz, *Unknown Mexico*, i. 352. [2] Grubb, 103.

[3] Featherman, *Guarano-Mar*, 435. There seem to have been great differences among the tribes in their customs and sexual norality.

brate at different times a religious festival called *kamarouko*. According to the ancient rite it is said the conductors of the solemnity were to be virgins. A sexual orgy winds up the festival; and though it is possible that alcohol may conduce to the brutality of the present-day performances it seems improbable that this feature of the ceremonies is wholly traceable to drink.[1] Dr. Preuss quotes from von Tschudi a description of a harvest festival among the Peruvians taken from an old Spanish ecclesiastic. In the month of December, we learn, at the time of the approaching maturity of the fruit called *pal'tay* or *pal'ta* those who are to take part in the feast prepare themselves by abstinence from salt and *utsu*, a species of capsicum, and by strict continence. On a certain day designated at the beginning of the feast (which lasted six days and six nights) men and women assembled all stark naked at an appointed place between the fruit-gardens. At a given signal they started in a race for a fairly distant hill. Every man who during the race overtook a woman had intercourse with her on the spot.[2]

The foregoing survey of practices foreign to our ethical code, and utterly inconsistent with masculine jealousy as we understand the passion, might easily be extended. Accurate statistics are, of course, impossible on the subject. The examples I have collected however show that these practices are found not here and there isolated in a vast ocean of healthier morality; they abound in every quarter of the globe

[1] *Journ. Am. F. L.* xiv. 151, reviewing and citing Comte Henri de la Vaulx, *Voyage en Patagonie*.

[2] Preuss, *Globus*, lxxxvi. 358, quoting Pedro da Villagomez, *Carta pastoral* from von Tschudi, *Beiträge zur Kenntnis des alten Peru* (Vienna, 1891), 26.

and in varying degrees of civilisation from the lowest savagery upwards. Nor are they breaches of the traditional code of morals: on the contrary, they are its embodiment and expression. By them not merely are unmarried women free to dispose of their persons; married women bestow their favours at the instance, or with the consent, of their husbands, or else in obedience to some religious or social duty, upon strange men and at times upon men whom they are required in ordinary circumstances to shun under the severest penalties of the tribal religion, penalties not the sanction of a merely conjugal duty but of the wider social organisation. Even when their favours cannot be brought within any of these categories, when they are bestowed without the knowledge or concurrence of their husbands the transgression is frequently of small account. It is winked at, or it is deemed no more than a petty theft for which the husband is willing to be placated by payment of compensation, in many cases trifling in amount or according to a fixed tariff, or else by the castigation of the erring wife or the partner of her guilt.[1]

The view thus implied of what we should call serious offences against virtue is not, it is true, universal. But it is common enough and distributed widely enough to lead the student seriously to ask

[1] In Northern Queensland, where the husband enjoys the common rights of lending exchanging selling or divorcing his wife, while she has no corresponding powers, there seem to be curious divergencies in the way in which rape of a married woman is regarded. In some places the culprit exposes himself to death, or to a severe punishment short of death; elsewhere, a comparatively few miles off, the woman's husband or betrothed may not even consider himself aggrieved (Roth, *Bull.* viii. 6 (s. 2), 9 (s. 10).

whether the masculine passion of jealousy can be as fundamental and primitive as it is sometimes asserted to be. If the answer be, as I believe it must be, in the negative certain hypothetical reconstructions of the history of marriage will need reconsideration.

Our immediate business however is not with these: we are concerned rather with the relation of parent and child. The evidence before us culminating in the present chapter proves beyond doubt a general indifference in the lower culture to the actual paternity of a child. It is true that among many nations the pregnancy of an unmarried girl must be followed by her marriage; while among others the alternative of abortion or infanticide is preferred. Economic causes are frequently responsible for this: the girl-mother's family are unwilling to support an additional member who ought to be dependent on another person. Or the pressure of social forms is often responsible. The transfer of the *potestas* to the husband tends to the servitude of all women, unmarried as well as married. A girl's freedom is abridged; her right to entertain lovers decays; she is married by the time she is mature or as soon afterwards as possible. Often she is betrothed when a mere child and compelled to continence until marriage. There is no place in the social framework for the offspring of her amours; it becomes a disgrace for any other than a wife to bring a child into the world. On the other hand, it is by no means uncommon that a girl who is pregnant or has given birth to a child is more readily married; her value increases when she is shown to be prolific. Her husband is sure of at least one child; and whether he himself is the begetter or not is a matter about

which he is quite careless. Nor is the marriage-day the *terminus ad quem* of his carelessness. In a considerable proportion of the cases cited the husband, if he ponder the subject at all, must be aware that some of the children begotten after marriage have not been begotten by him, though they may be the result of other sexual relations by his wife sanctioned by tribal usage. Even adulterine issue, defined in the terms of the lower culture as the result of relations not so sanctioned, is frequently received by the husband as his own. In the communities in which the practices we have passed in review are found children are as a rule but little burden; on the contrary they may be a source of power and wealth. A husband therefore does not too curiously inquire into the origin of a child who will raise his status and add to his influence in society. Nay, even if he knows that he is not the father, by recognising it as his child he acquires the benefit of its birth as if he had been himself the agent in begetting it. It may be said that this will not apply to cases of more or less nomadic populations, like the Bushmen and the Australian blackfellows who wander over a comparatively barren country. To them children instead of adding to their power and wealth are a weakness and an incumbrance. There is a measure of truth here. The burden and the danger of too many children is relieved by infanticide, especially of girls. Yet it is easy to overstate the objection. To these poverty-stricken populations children are their greatest asset. Burden though they may be in their earliest years they quickly learn to help themselves, and as they grow up they take their full share in providing for the wants and assuring the safety of the

community. The limits of subsistence may be narrow, but they are indefinite. Where the principal food is the flesh of wild animals numbers are often essential to success in hunting, as they are also in defence against human and other foes. Nor in the search for vegetable food and the smaller animals are numbers to be despised. This is the work wherein children begin first to help and wherein with their sharp eyes and agile movements they form a valuable adjunct to the women. They thus soon become of importance for their own sakes and not merely as future hunters and warriors. When the basis of subsistence shifts and provision for future supplies is laid up by the keeping of cattle or the sowing of grain, then the value of a child increases. The boys watch the cattle or the cornfields; the girls render material assistance to their mothers in the various household duties incident to their condition. After a few years the boys accompany their elders to market or to war, they support and assist them in their bargains and their quarrels their hunting and their husbandry, while the girls often bring wealth in the bride-prices paid for them. Thus both boys and girls are a source alike of consideration in the community and of material benefit.

Moreover, where a tribe is exposed to hardships, where food is scarce, skies are inclement and foes are numerous, where long and painful journeys must be undertaken, and labour is severe, the women are usually not very prolific. Some races too are by nature comparatively infertile. In such cases a birth may be an event welcomed for its comparative rarity. The instinct of self-preservation is a social no less than an individual instinct. We have seen how it is said

to operate in an extreme case like that of the Sia. Having in mind the customs of other peoples passed in review we may well doubt that it has caused all the promiscuity (for it almost amounts to that) which has been described as prevalent in that tribe. But it does assuredly tend to produce disregard of the exact paternity of a child born to the tribe. For the only way in which a society with its organisation its traditions and its corporate life can continue to exist is by the production of offspring. Children therefore have their importance independent of the assistance they may be expected to render in the provision of food or in warlike efficiency. Where they are rare the desire for them outweighs a nice consideration of the manner in which they are obtained.

What is true of the larger community of the tribe is true also of the smaller community of the family. Children are its supreme necessity. It matters comparatively little whether they are legitimate, or even whether they have the family blood in their veins. Carelessness on this point arising under motherright is in no way diminished—nay, it may become actually intensified—with the change to agnatic descent. That change is often accompanied or followed by increased accumulation of property and by a religious development which concentrates the cult of the dead upon the family *manes*. When this happens the holder of the property as the head of the family becomes especially charged with the religious duties upon which his own welfare and that of the entire family depend. It is incumbent upon him to have an heir upon whom shall devolve his property and the religious obligations bound up with it. The more children a father has

the more secure he is that the edifice of the family will stand, and the duties on which tremendous issues both here and hereafter hang will continue to be discharged. Religion thus unites with economic and social considerations to emphasise the importance of children. They are not merely a source of power and wealth and influence: without them a man's relation to the invisible beings whose anger he dreads and from whose favour he has everything to hope is uncertain and at the peril of every blast. So long therefore as a child is reckoned to his stock and will carry on his name and property his traditions and worship, a husband is content to accept the fact of birth without making a fuss about the real paternity, provided public opinion does not oblige him actively to prosecute an inquiry.

But he goes further. So great is the need for children that he is not content to leave their production to the chance of a guest or of his wives' voluntary amours. He employs other men expressly to do what he cannot do for himself. Customs consecrated and sometimes enforced by tribal law enable him to obtain children, in his lifetime or even after his death, to inherit his position and property and to fulfil his duties to the state or to religion. Examples are endless in number. Perhaps the most striking is that which has come most recently to light in the practice of the Dinkas detailed in an earlier chapter. The posthumous child of a Dinka husband is not as usual the child of one of his own wives. It is the child of a woman specially selected after his death, appropriated for the purpose by means of a marriage ceremony in his name and then united to a man with the choice of

whom he has had no more to do than with the choice of the woman. And yet in the contemplation of law the child is his and has no other father. Sonship is here as obviously fictitious as in the case of adoption. The widespread custom of adoption which dates from savagery is another device testifying alike to the intense desire for children and to the indifference for the source from which as a matter of fact they come. By means of a simple ceremony a child or a grown person is transferred from his native kindred into the family of the adopter and is thenceforth regarded for all purposes as the offspring of his new parent. In this way when the natural means of procuring children fail, or for some other good reason, the relation of parent and child is created between persons who are known to have no natural kinship with one another, a bond is formed as sacred and enduring as that which among ourselves unites begetter and begotten or that still closer bond between the mother and the fruit of her womb.

Thus fatherright, far from being founded on certainty of paternity, positively fosters indifference, and if it does not promote fraud at least becomes a hotbed of legal fictions. It is a purely artificial system.

CHAPTER VII

PHYSIOLOGICAL IGNORANCE ON THE SUBJECT OF CONCEPTION. CONCLUSION

The foregoing considerations lead to the conclusion that paternity was not understood by early man, and even yet the cause of birth is more or less of a mystery to some peoples in the lower culture. Reasons for this ignorance: among others the disproportion of births to acts of sexual union. Every woman in the lower stages of culture is accustomed to intercourse. Premature intercourse very widespread. It is not only unproductive, but it impairs fertility. Even where the true cause of birth has been discovered it has been nowhere held invariable and indispensable. In Australia and a few other countries it is still unrecognised. Summary of the argument.

THE beliefs the practices and the institutions passed in review in previous chapters point beyond mistake to the conclusion that actual paternity is, speaking generally, of small account in the lower culture. If paternity carried the value, the social and legal importance, assigned to it among the highly civilised peoples of Europe and America, it is inconceivable that husbands would as a more or less ordinary incident of social life sanction or submit to the bestowal by their wives on other men of the favours which ought to be reserved to themselves alone. Motherright might indeed be conceivable as the social condition of our earliest human progenitors; but it would have been speedily

and everywhere superseded by a mode of reckoning descent and family allegiance in which paternity would have had its due consideration; and it is very doubtful whether any distinguishable relics of the earlier organisation of society would have remained.

When side by side with these customs and institutions we place the world-wide and persistent beliefs and practices which derive the origin of a child from something else than the natural act of generation, we are led to the further conclusion that not merely is actual paternity of small account but, strange as it may seem, it is even not understood. By this I do not mean that its processes are not scientifically known: that is a matter of course. Nor do I mean that everywhere where these institutions these practices or these beliefs prevail there is now absolute ignorance on this subject. What I do mean is that for generations and æons the truth that a child is only born in consequence of an act of sexual union, that the birth of a child is the natural consequence of such an act performed in favouring circumstances, and that every child must be the result of such an act and of no other cause, was not realised by mankind, that down to the present day it is imperfectly realised by some peoples, and that there are still others among whom it is unknown.

Such ignorance is by no means so incredible as at the first blush it may appear. It is of a piece with the ignorance and misconception relating to man's nature and environment and his position in the universe, prevalent in all but the highest culture. Comprehension of the process of birth, as of all other natural processes, can only be attained by close patient and unprejudiced observation. Observation of that

kind was for many ages beyond the power of mankind. The savage hunter who marks down or traps his game has learned its habits and can detect its presence by the lightest sound, or by a visible indication which would pass unnoticed by one less experienced in the ways of the wilderness. The warrior or the avenger of blood tracks his victim more unerringly than the bloodhound. In these cases his mind has been concentrated and his observation sharpened by the daily necessities of life, by the contest of skill with his human and non-human competitors. Here the deductions from sight and sound are immediately verifiable, and his reasoning powers are not clouded by axioms which do not correspond to reality. But the same hunter who is so keen and certain in his conclusions as to the movements of his prey believes that he can by magical or religious ceremonies draw from unknown distances the herd of bisons which he desires to hunt, or gather the clouds and bring down the rain upon the parched and aching land. No failures suffice to convince him of his error, because the process which brings the bison into his neighbourhood or produces a change of meteoric conditions cannot be discovered without a long and complicated induction based upon a much wider knowledge than he possesses, and because in the absence of this knowledge he is incessantly misled by preconceptions of the universe and its government, his limited experience and reason trained only to deal with his immediate needs and surroundings cannot correct or disperse.

The attention of mankind would not be early or easily fastened upon the procreative process. It is lengthy, extending over months during which the

observer's attention would be inevitably diverted by a variety of objects, most of them of far more pressing import and many of them involving his own life or death. The sexual passion would be gratified instinctively without any thought of the consequences and in an overwhelming proportion of cases without the consequence of pregnancy at all. When that consequence occurred it would not be visible for weeks or months after the act which produced it. A hundred other events might have taken place in the interval which would be liable to be credited with the result by one wholly ignorant of natural laws. If any of these were once accepted as a hypothetic cause the attention would be concentrated upon it, the observation would speedily appear to be confirmed by other real or imagined occurrences, and the partially developed reason of primitive man would be caught in the snare of the fallacy *post hoc ergo propter hoc.* Such a speculation once germinated would be very difficult to uproot from the uncultivated soil : it would interlace and wind itself about the kindred hypotheses equally false and equally plausible that choked the healthier growths of the human intellect. Thus the correction of a mistake, even where the attention was directed to the subject, would be extremely tardy and gradual, extending over many generations and leaving traces perhaps to the end of time. Other blunders of archaic thought on matters that seem perfectly obvious to us have become permanent as part of the mental equipment of the race. In this way Animism originating far back in the ages of childhood is now an enduring and vital endowment of the thought the poetry and the religion of the loftiest civilisation. When the notion

of birth by other than the natural means of fertilisation has run its course in the beliefs and practices of mankind it will remain embedded in the literature and will lend one more mystic charm to the most exquisite fairy tales of the world.

It is impossible here exhaustively to discuss the many causes that may have retarded the discovery of the truth concerning the mystery of birth. I have alluded however to one deserving of some further illustration. Pregnancy only results from sexual intercourse by the concurrence of favouring conditions. The nourishment of the parents' bodies, their respective ages and vital energies, the conjunction of the critical moment when the womb becomes specially receptive, and the state of mental emotion which may so operate as to accelerate, or on the other hand may altogether prevent, quickening are among the considerations most urgent to be taken into account in estimating the probability of conception. Unless these conditions be favourable pregnancy cannot ensue. This is ground familiar to us and need not be insisted on. But such nice calculations are not familiar to the savage; and savagery and the lower degrees of civilisation often tend to obscure them.

In these stages every female is accustomed to sexual intercourse, frequently from a very early age. But every woman does not bear children, and none bear at all times. Where polygyny prevails so many young women are monopolised by the elder or more powerful men that young or uninfluential men have to content themselves with widows or women rejected by their superiors. So, as we have noted in the last chapter, among the Yuin a poor fellow who had no

wife received sometimes a cast-off wife from one who had more than he wanted.[1] Where children are much desired the commonest reason for casting off a wife is likely to be her barrenness. Whether this be the reason in a particular case or not, a widow or a cast-off wife would often be virtually beyond the age of child-bearing, though menstruation might not have ceased. In such cases, of course, no offspring would result from the union.

On the other hand, among many peoples sexual intercourse begins long before maturity. Premature intercourse produces children no more than the intercourse of women who are past bearing. But if practised by immature girls with adult men, it often results in such injury to the sexual organs as may seriously affect the reproductive powers after maturity is reached. In the last chapter incidental mention has been made of copulation before puberty among the Bahuana of the Congo basin, the Maoris, and the populations of the Marquesas Islands and the islands of Ambon and Uliase in the East Indies.[2] From the list of other cases of premature sexual relations, it would seem necessary for our purpose expressly to exclude the custom of infant marriage which has grown up among the Hindus under a complexity of influences not yet wholly understood. In Vedic times marriage was the marriage of adults. But in the law-books, the composition of later ages, a father is enjoined to marry his daughter before she attain puberty; and he is held guilty of a grave sin if he omit to perform this duty. Whatever the causes of the change it took place in a civilised not in a savage

[1] *Supra*, p. 228. [2] *Supra*, pp. 113, 172, 176, 138.

society. Its cruelty has been mitigated in the Panjab and elsewhere outside Bengal by a custom of deferring actual consummation to a later date. This however is contrary to the intention of the sacred laws, which appear to contemplate marriage with a view to immediate consummation.[1] Infant marriage under these laws was originally confined to the Aryan-speaking population. With other practices inculcated by the Brahmans it is now spreading wherever social distinction is desired and threatens to become the general rule in the Indian peninsula. It is quite possible and even likely that some of the peoples of that vast area may have practised infant marriage, at all events as an occasional thing, independently of Brahman influence. So subtle however is that influence that it is difficult to point with certainty to a case. The Todas may be described as untouched by Brahmanism. The custom of infant marriage is well established among them, but the girl does not usually join her husband until she is about fifteen or sixteen years of age. Shortly before she reaches puberty a man belonging to the opposite endogamous group to that of which she is a member, and therefore ineligible for marriage though not for cohabitation with her, is called in to perform the ceremony of putting his mantle over her. He comes in the daytime to her village and lying down beside her for a few minutes puts his mantle over her, so that it covers them both. Defloration is not part of this rite; the rite is only a preliminary to that. "Fourteen or fifteen days later," says Dr. Rivers, "a man of strong physique, who may

[1] *Ind. Census*, i. (1901), 431 *sqq.* *Cf.* *Sacred Bks.* xiv. 91, 314; xxv. 328, 343, 344.

belong to either division and to any clan except that of the girl, comes and stays in the village for one night and has intercourse with the girl. This must take place before puberty, and it seemed that there were few things regarded as more disgraceful than that this ceremony should be delayed till after this period. It might be a subject of reproach and abuse for the remainder of the woman's life, and it was even said that men might refuse to marry her if this ceremony had not been performed at the proper time."[1] The ceremonial defloration thus accomplished is obviously a puberty rite and nothing more, whatever causes may have operated to require its performance prior to the actual attainment of maturity.

But if we look outside India we find the practice of sexual intercourse before puberty not uncommon in the lower culture. Among the Chukchi young men marry early, and sexual relations sometimes begin before full maturity is reached. Indeed children are often reared together with a view to marriage. They sleep with one another from the beginning and the marriage is consummated on the first impulse of nature, or even before the maturity of either of them. Such marriages are considered to be the strongest. How frequently in these circumstances premature consummation takes place is rendered probable from the innate sensuality of the Chukchi and their enjoyment of ribald sayings and lewd gestures, which would familiarise the children with sexual matters from a very early age. It is true that they have discovered that an early marriage is injurious to the woman's health and tends to diminish the number of births, and that

[1] Rivers, 503.

consequently it is usually held blamable to have intercourse with a girl who is not perfectly mature. Practice however lags behind their precepts at a considerable distance.[1]

Much further to the south the Gold on the lower reaches of the Amur river before the arrival of the Russians were in the habit of marrying their children while still very young. Girls were married as young as eight or nine years, and boys at the age of ten or eleven. It sometimes "happened that a ten-year-old boy had to marry a twenty-year-old girl. Such early marriages are prohibited nowadays by the Russian Government, and intelligent Gold have come to understand how detrimental these marriages have been to their people. Although nominally abolished, premature intercourse still continues and contributes, no less than epidemics and alcoholism, to the gradual ruin of the people. Russian physicians who have become familiar with the people through visits to hospitals or to their villages assert that incest is not unusual between brother and sister and among other relatives."[2] Esthonian girls are unchaste before the age of puberty.[3]

The girls of the lower classes in Cochin China sometimes marry in their seventh year.[4] Turcoman girls reach puberty generally between fourteen and sixteen years of age; but they are very often married earlier, the usual age being from twelve to fifteen.[5]

[1] Bogoras, *Jesup Exped.* vii. 37, 361; *Amer. Anthrop. N. S.* iii. 102.

[2] Laufer, *Amer. Anthrop. N. S.* ii. 318.

[3] Ploss, *Weib*, i. 235.

[4] *Id.* 393, vaguely citing Crawfurd.

[5] Volkov, *L'Anthrop.* viii. 356, citing Yavorsky.

Among the Samoyeds early marriages were formerly very common. A bride-price was paid, and girls were disposed of often as young as six or seven years, in order that the bridegroom might be sure of his bride's virginity.[1] A similar reason is given by Plutarch in his comparison of Numa and Lycurgus for the Roman fathers' practice of giving their daughters in marriage at the age of twelve or under. But in early times Roman brides were probably taken much younger than that. As a juridical writer has pointed out, a consideration of the regulations for the profession of vestal virgins leads to the conclusion that Roman girls were taken as brides as young as six years of age. Numa's traditional legislation raised the age to the twelfth year; but seeing that the year at that time numbered only ten months, even that legislation legalised marriage in the bride's tenth year. It is of course possible that consummation was postponed; but was it always postponed until after puberty?[2] We may note that even down to the Reformation and later girls were sometimes married before puberty. Illustrations are to be found in all collections of European laws and all literatures.

Passing to the East Indian Islands, we are told that in the Dutch possessions long before maturity children indulge in sexual intercourse, and it is by no means uncommon for brother and sister to commit incest at five or six years old.[3] On the island of

[1] Kahle, *Zeits. des. Vereins*, xi. 442, citing de la Martinière, a traveller of the seventeenth century. It does not appear that consummation immediately followed; but it probably took place before maturity.

[2] S. Brassloff, *Zeits. vergl. Rechtsw.* xxii. 144.

[3] Ploss, *Weib*, i. 301, citing vaguely van der Burg.

Engano, according to Modigliani, what we understand by morality does not exist; and he gives reasons for believing that even quite young children (*bambine*) could give points to the most abandoned women of Europe.[1] In the Barito River Basin of Borneo children are often married at three or five years. After marriage they are indeed often, but not always, separated until puberty. At every opportunity however their mutual relation is revealed to them. "Besides, they frequently meet each other; and it is seen with pleasure when there arises a certain familiarity not agreeing with our ideas of morality."[2] The Banyanese of the same island marry in their eighth or ninth year.[3] Among the Achehnese where child-marriage is frequent girls of eight to ten, nay even of seven years of age, are actually handed over to their husbands even when the latter are adult or elderly men. So universal is this custom that parents whose daughter at the age of eight to ten years does not occasionally share her husband's bed are greatly concerned thereat, unless there are special reasons for her not doing so, as where though formally married to a man at a great distance he has not yet arrived to take possession of her, being prevented by the distance or by the small local wars so frequent before the Dutch succeeded in establishing their rule.[4] In several districts of the island of Serang girls' teeth are filed before puberty. When the work is accomplished, the patient goes to bathe and is clad in festival array

1 Modigliani, *Isola*, 139.
2 Roth, *Sarawak*, ii. clxxix, translating Schwaner.
3 Ploss, *op. cit.* i. 394, citing vaguely Finke.
4 Hurgronje, i. 295.

adorned with gold and silver armlets or necklaces, with gold hairpins and combs. A feast is then prepared and a little of every kind of food is placed in a bamboo vessel or sieve which an old woman shakes thrice over the girl's head. The latter must afterwards taste it all. The women bring forward an earthen pot filled with spring-water and covered with a fresh pisang-leaf. One of the old women takes the index-finger of the girl's right hand and sticks it through the leaf in proof that she is still a maid, and as a symbol of the rupture of the hymen or to show that the possession of virginity means nothing for her. The leaf is subsequently put on the ridge of the house between the sago leaves wherewith the roof is thatched. Thereupon the women present fall to eating and drinking. When they have finished they start singing to the accompaniment of drums. The men are admitted to the house. From that moment free intercourse with men is permitted to the *débutante*, even before the menses show themselves. In some villages the old men have unhindered access that very evening to her apartment, while the guests amuse themselves with singing outside. In most places on the island girls before puberty are accustomed to practise copulation with adult and old men, the object being, it is said, to promote their growth: nay, they are often even married and the marriage consummated.[1]

Little importance is attached by the Tami Islanders off the north-eastern coast of New Guinea to a girl's unchastity before puberty, though when the critical period is reached her parents keep her more to the house and limit her intercourse with

[1] Riedel, 137, 96, 134.

her previous playfellows. The object of doing so however is rather to secure her instruction in her duties as house-wife than to prevent accidents arising from sexual indulgence, for she is quite free to sleep in a small separate hut and there to receive her lovers at night. She is speedily married, and the husband troubles very little about her previous life: girls are said to be few, and there is not much choice.[1] The same want of women is felt on the Gazelle Peninsula in the Bismarck Archipelago. To secure a girl the bride-price is paid for her while she is still a child. As soon as she is a little bigger she is delivered over to her husband, and whether she has reached maturity or not is quite unimportant.[2] In the New Hebrides on the island of Malekula there seems to be no betrothal, but girls are married when about six or eight years of age.[3] In New Caledonia little regard is paid to virginity: a girl loses it in playing about at a very early age.[4] On the Murray Islands, Torres Straits, "absence of the menstrual function was not considered a hindrance to marriage."[5] Across the Straits in Queensland it is the rule in at least all the northern tribes that a little girl may be given to and will live with her spouse long before she reaches the age of puberty. Outside formal marriage the elder men may in some tribes tamper with young girls of the proper

[1] Kohler, *Zeits. vergl. Rechtsw.* xiv. 345, quoting report of a missionary.

[2] Meier, *Anthropos*, ii. 380. A similar report is given by a missionary writing about the New Britain group in general terms and giving instances within his own knowledge (*J. A. I.* xviii. 288).

[3] *Rep. Austr. Ass.* iv. 704.

[4] Ploss, *op. cit.* i. 309.

[5] *J. A. I.* xviii. 11.

marriageable class with impunity; indeed quite young children are handed over to the old men to be "broken in."[1] Among some of the tribes of South Australia the girls are said to be accustomed to sexual intercourse from their eighth year: they marry and cohabit regularly with their husbands at the age of from eight to twelve.[2] On Easter Island the women are comparatively few. It is said that they number only one third of the population. Whether, as has been surmised, it is attributable to this or not, the girls are married at ten years old, long before they are sufficiently developed. Their children are consequently weak and unhealthy; and there is great mortality from scrofulous disease in the children and from phthisis in the adults.[3] On Yaluit, one of the Marshall Islands, we learn, no value was attached to the chastity of the unmarried girls; sexual intercourse begins with the first stirrings of nature before menstruation. It is universally believed that there is no girl of twelve who has not been deflowered; and contagious sexual diseases have been found among children of ten.[4] The Igorots of the province of Benguet and the sub-province of Lepanto in Luzon, the largest of the Philippine Islands, betroth their children at a very early age, and marry them at or even before the age of

[1] Roth, *Bull.* v. 23 (s. 83); viii. 9 (s. 10).

[2] Ploss, *op. cit.* i. 392, citing Hersbach (a second-hand authority). Ploss (*op. cit.* i. 296) states on the authority of somebody, apparently Eyre, that the Australian girl has intercourse from her tenth year with youths of fourteen or fifteen. If Eyre be his source he is doubtless referring to south-eastern tribes.

[3] *J. A. I.* v. 112, 113, summarising Dr. Philippi's work on Easter Island published at Santiago in 1873.

[4] Kohler, *Zeits. vergl. Rechtsw.* xiv. 417, quoting a report by an official.

puberty.[1] Child-marriage is also common among the Tagbanúa.[2] On the Sandwich Islands the girls marry before puberty; and according to a writer cited by Ploss menstruation is held to be the result of coition, and its appearance in an unmarried girl is taken as a sign of misconduct.[3]

In Madagascar, children are betrothed by their parents while very young, and even married totally irrespective of their inclinations, and often before they are able to understand the nature of the engagement into which they are entering.[4] Independently of this, public opinion tolerated until lately licentiousness among them. Of the Valave, one of the Malagasy tribes, it is recorded in particular that the children copulate at a very early age without any interference by their parents, who indeed encourage and take a positive pleasure in watching them. To these customs the comparative sterility of the women is not without reason ascribed.[5]

Precocious intercourse of the sexes is, as might be expected, very common on the continent of Africa. At Thebes in ancient times a beautiful girl of noble family and tender years was regularly dedicated at the

[1] Worcester, *Philippine Journ. Science*, i. (Manila, 1906) 850.

[2] McGee, *Amer. Anthr. N. S.* i. 172, citing Worcester, *Phil. Ids.*

[3] Ploss, *op. cit.* i. 235. In face of the known character of the Sandwich Islanders I do not understand how the sexual intercourse of an unmarried girl can be deemed misbehaviour. Unfortunately, for reasons already given, I am unable to check Ploss's statement.

[4] Ellis, *Hist. Mad.* i. 167.

[5] Sibree, *J. A. I.* ix. 39; Ploss, *op. cit.* i. 301, citing vaguely Audebert. The latter gives details which I forbear to transcribe. Sibree, *Great Afr. Isl.* 248, ascribes the sterility of the Malagasy partly to the frequent marriages of relations and partly to the cause mentioned above. *Cf. Anthropos*, ii. 983.

temple of the god identified by Strabo with Zeus. She prostituted herself with any man according to her fancy until she reached the age of puberty. She was then mourned for as dead, and doubtless her place was supplied by another. The life she led does not seem to have hindered her subsequent marriage.[1] The Copts still marry their children as young as seven or eight years, and mothers are seen among them who are not more than twelve.[2] In Nubia not longer than a generation or two ago, girls used to be disposed of and accustomed to intercourse long before their first menstruation.[3] In Abyssinia they are married before puberty, sometimes as early their ninth year.[4] Among the Masai both boys and girls are circumcised. An uncircumcised boy is not permitted sexual intercourse with a circumcised woman, but no objection exists to his intercourse with any uncircumcised girl.[5] The operation is performed on a girl shortly after her first menstruation. Previous to that as early as eight years old girls may be taken, as already observed, to live with the warriors in their kraal, where Sir Harry Johnston remarks they "have as agreeable a time of it as can be provided in Masai society." The sexual relations they sustain with the various inhabitants of the kraal are "considered in no way to be immoral, because the girls are under age and therefore cannot

[1] Strabo, xvii. 1, 46.

[2] Ploss, *op. cit.* i. 346, apparently on the authority of Frau von Minutoli.

[3] Ploss, *op. cit.* i. 399, citing Abbadie.

[4] Post, *Afr. Jur.* i. 385, citing Rüppell, *Reise in Abyssinien*, ii. 50.

[5] S. Bagge, *J. A. I.* xxxiv. 169. The Rev. J. Roscoe speaks of wives who do not menstruate among the Baganda (*Id.* xxxi. 121; xxxii. 39, 59); but it is not clear whether the absence of menstruation must be attributed to age or disease.

conceive." [9] If puberty arrive before a girl quits the kraal precautions are taken against child-bearing, though that event does not seem to be very seriously regarded.[1] The customs among the Nandi are similar.[2] The Mpogoro girl in German East Africa reaches puberty in her tenth year. Long before that she is probably betrothed, for it is the custom for two friendly fathers to betroth their children, the son of one to the daughter of the other, from infancy. When the boy is able to work, about his seventh year, he serves his intended father-in-law for a twelvemonth. During or at the end of that time he builds a hut for himself and his bride, and there they go to reside about their seventh or eighth year. They sleep together and enjoy sexual intercourse until the girl's first menstruation. They are then separated until the bride-price be paid, after which the marriage is definitely concluded. To the European who remonstrates astonished and disgusted at this premature connection, saying: "But they are both mere children," the laconic answer is returned: "But for all that they are Wapogoro."[3]

Over nearly the whole of the province of British Central Africa, chastity is an unknown condition among little girls under the age of puberty, save perhaps among the Mang'anja. If not betrothed it is a matter of absolute indifference what she does before

[1] *Supra*, p. 193; Johnston, *Uganda*, ii. 824; Hollis, xvi. A story is told by the Masai to account for the custom, the gist of which is that it was instituted to provide an outlet for the feminine passions and prevent treachery for the purpose of gratifying them with hostile warriors (Hollis, 120).

[2] Johnston, *op. cit.* ii. 878; Hollis, *Nandi*, 16, 58.

[3] Dr. Fabry, *Globus*, xci. 221.

she has reached maturity; consequently there is scarce a girl who remains a virgin after about five years of age. True, she is often betrothed at birth or when a few months old. In that case she will be delivered to her future husband's family at the age of four or five; and although she may not formally cohabit with him before puberty, it constantly happens that he deflowers her long before then.[1] At the harvest festival celebrated by the Azimba, a boy and a girl under the age of puberty are allowed to "keep house" by themselves during the daytime, and sexual intercourse often or always takes place. Some of the girls are betrothed and even married before puberty. In any case they are required to undergo the puberty ceremonies. If not previously deflowered, artificial defloration is then performed by the women. On the conclusion of the ceremonies a man is hired by the girl's father to have sexual intercourse with her on the following night, unless she already have a husband, in which case the latter performs this rite.[2] The ceremonies of the Wayao take place at an earlier age, "when the girl is very young, scarcely approaching" maturity. On her return home "she must find some man to be with her," otherwise she will die, or at any rate will not bear children. This ritual coition and consequently the entire rites are regarded as necessary to be performed before puberty. But though the ceremonies antedate that era of her life, she may have been already married and living with her husband;

[1] Johnston, *Brit. Cent. Afr.* 408 note.

[2] H. Crawford Angus, *Zeits. f. Ethnol.* xxx. Verhandl. 480. This communication was made through Dr. R. Felkin, and may therefore be considered as stamped with his authority as well as that of the writer.

for a girl of only five years old may be married and cohabit with a youth who is much older: at the age of nine it is likely she will be.[1] In fact, on the Tanganyika plateau and in north-eastern Rhodesia Nyassaland and Portuguese Zambezia, it is a common custom for girls to be married and living with their husbands before puberty.[2] In the Transvaal the smallest Basuto children practise coition in secret; boys give the girls beads brass wire and other trifles as hire.[3] Of the people about Delagoa Bay, probably Baronga, Captain W. F. W. Owen reported in 1823 that both sexes during youth appeared to be without restraint, commencing their intercourse before their tenth year.[4] Hottentot girls were married not seldom in their eighth or ninth year, Bushman girls still younger. The latter are sometimes mothers at twelve or even ten years of age.[5]

[1] Macdonald, *Africana*, i. 125, 146; Johnston, *Brit. Cent. Afr.* 410. The latter gives details of the rites, which are not unlike those of the Azimba except that they are performed on a batch of girls, whereas from the account cited above it would seem that the Azimba rites are performed on the girls individually as they arrive at maturity. He states the age of the Yao girl as from eight to eleven: at any rate it is before puberty. He implies that they are not yet married, but Mr. Macdonald's testimony is express.

[2] Decle, 293; Capt. C. H. Stigand, *J. A. I.* xxxvii. 121.

[3] H. Grützner, *Zeits. f. Ethnol.* ix. Verhandl. 83.

[4] *Rec. S. E. Africa*, ii. 478. More than sixty years earlier the medical officer of a Dutch vessel wrecked on the same coast had reported that young girls of eleven and twelve were usually already lovers and were reckoned marriageable. They had, therefore, doubtless passed through the puberty ceremonies. They often bore children at twelve or thirteen and ceased by the time they were thirty (Jacob Francken, *Id.* vi. 496). Herero girls are married not older than twelve; but here again it is probable that puberty has been attained (Fritsch, 235).

[5] Ploss, *op. cit.* i. 397, citing vaguely Damberger for the former and Burchell for the latter.

If we turn to the forest lands and more richly watered provinces of the west of Africa we find among various tribes a similar condition of infantile morality. The children of the Bambala indulge in sexual intercourse from a very early age. The boys begin when about ten years old, the girls at six or seven, long before menstruation. Virginity, it need hardly be said, is not deemed of the slightest importance, and sexual excess is noted by observers as having an evil effect upon the mental and physical characters of the race.[1] The Bayaka, on the other hand, a neighbouring people consider virginity essential in a bride, and she can be repudiated if she be not found a maiden. At the same time we are told that "females are permitted to have intercourse at a very early age, even before menstruation; males after circumcision." This can only mean that the stricter morals of the Bayaka regard virginity as a more indispensable qualification of a bride than maturity.[2] On the Lower Congo there used to be in most towns bachelors' houses where the young men of the place slept. Girls under puberty had free ingress to these houses at night, and were even encouraged by their parents to go thither, "as it showed that they had proper desires and would eventually bear children."[3] Among the Bashilanga the bride is bespoken early, and her wedding is frequently celebrated on the same day as the festival following her first menstruation. But already ere this she has had sexual intercourse: it is usually begun shortly before maturity.[4] The Shekiani girls are married at seven or

[1] Torday and Joyce, *J. A. I.* xxxv. 410, 420.
[2] *Id. J. A. I.* xxxvi. 45, 51. [3] J. H. Weeks, *F. L.* xix. 418.
[4] *Mittheil. Afrik. Gesell.* iv. 260, from the report of Pogge. There

eight years of age, before puberty.[1] Among the Mbondemos and the tribes about Corisco Bay young girls, quite children, are often married from political reasons to old men.[2] The sturdy tribe of the Fan practise the marriage of infant girls.[3]

The true Negroes present a picture not very different. Among the Agni of Indénié the sole condition requisite for marriage is the consent of both families. Betrothal often takes place during infancy. In such a case the bridegroom sometimes makes a few presents to the bride's family and she goes to live with him until she attains puberty. Either party may then refuse to make the marriage definitive on paying to the family of the other an indemnity of twenty-five francs.[4] The Abron law considers impuberty an absolute bar to the marriage of a free girl; but she has a right to a *bon ami*, and can if he live in another village go and live with him for a fortnight or three weeks at a time. It is true that the relations between them are supposed to be purely platonic; for she is as a rule betrothed from birth and her affianced husband would have a right to impose a heavy fine on the lover who robbed him of his rights. It is another question how far the hypothesis usually corresponds to the fact. Marriage with a slave-girl, on the other hand, must be consummated before puberty, otherwise all the children must be put to death.[5] The

does not seem to be any reason for the question raised by the editor of the report as to the consistency of Pogge's statements.

[1] Post, *Afr. Jur.* i. 384 citing Du Chaillu, *Ashango*, 162.

[2] *Id.* 366, citing the same, 51.

[3] Kingsley, *Trav.* 404. The Benga and Igalwa are also addicted to it, but it is said to be a recent innovation (*Ibid.* 402).

[4] Clozel, 149.

[5] *Ibid.* 194, 195.

customs of the Mande of Bonduku are similar. The girl chooses her *bon ami* at the age of nine or ten: she prepares his food and passes every night with him. In these circumstances, despite the possibility of a sound thrashing by the bridegroom when he finds that he has been anticipated, the temptation must be such as a Negro temperament can hardly resist. Among the Mande, moreover, although in theory impuberty constitutes a bar to marriage, in practice there is no such hindrance to it. As among the Abrons, the only real obstacle is the bride's desire to preserve her freedom as long as possible; and means are doubtless found to overcome her resistance.[1] In the kingdom of Bouna there is no minimum age. A boy is marriageable as soon as he has been circumcised, and a girl immediately after suffering the corresponding operation. These rites are performed at different ages according to convenience.[2] Nor in Seguela is there any downward limit of age; as soon as the bride-price is paid the husband can have possession. To be sure the consent of the bride is required by law; but her father obtains that by hook or by crook.[3] Among the Alladians the bride must be delivered to her husband before the first menstruation. In practice betrothal often takes place while very young. From the moment it is completed by a small gift to the head of the girl's family, her father and her mother, the bridegroom is liable to her maintenance. Naturally therefore he expects possession with the least possible delay; and it is given as soon as she is deemed strong enough.[4] The Bagos on the River Nunez, unite

[1] Clozel, 279, 280.
[2] *Ibid.* 309.
[3] *Ibid.* 329.
[4] *Ibid.* 394, 393.

children of seven or eight years old, and the formal marriage is celebrated as soon as the girl has lost her virginity.[1] In Sierra Leone girls are betrothed early, often before birth; and on the betrothal of an infant girl she is at once given over to the bridegroom.[2]

Among several of the American peoples little regard is paid to puberty in their sexual relations. Child-marriages are common among the Eskimo between the lower Yukon and the Kuskokwim. The boy goes to live at his father-in-law's house and "transfers filial duty of every kind" from his own father to his wife's father. In such cases the girl is frequently not over four or five years of age.[3] Among the Indians dwelling to the south-west of the Ungava district "girls are often taken as wives before they attain puberty, and for this reason they seldom have large families," two three or four children being the usual number. The Nenenot girls "arrive at puberty at the age of fourteen or fifteen, and are taken as wives at even an earlier age. So early are they taken in marriage that before they are thirty years of age they often appear as though they were fifty."[4] Among the Northern Maidu of the foot-hill region girls were often given in marriage when only six or eight years of age.[5] We have already studied the Zuñi customs. Among them "marriage usually occurs at very tender years, girls frequently

[1] Post, *Afr. Jur.* i. 366, citing Caillié, i. 243, 244.

[2] *Ibid.* 366, 369, citing Winterbottom, 200; and Matthews, 124.

[3] Nelson, *Rep. Bur. Ethn.* xviii. 291. It is not quite clear from the author's expressions whether intercourse is permitted below puberty. It is not at all events distinctly disclaimed, and we are probably right in assuming it.

[4] Turner, *Rep. Bur. Ethn.* xi. 183, 271.

[5] Dixon, *Bull. Am. Mus. Nat. Hist.* xvii. 240.

marrying two years before reaching puberty," and as we have seen they are not prolific.[1] The Creeks were a polygamous people. Every man took as many wives as he chose; but they were only married for a year, the relation being renewable at the end of that time by the will of the parties. It was common for a man of position who had already half a dozen wives to marry a child of eight or nine years of age, if he found one who pleased him and with whose family he could arrange the matter. Since she entered his house on marriage consummation presumably followed without delay.[2] In one of the Bororo villages in Central Brazil girls of eight and ten years were found already married. There is some reason to think this an exceptional case, due to the scarcity of women. It shows however that there was no invincible repugnance to such early unions.[3] Among the Guatos about the confluence of the San Lourenço and the Paraguay rivers it is the practice to marry girls of from five to eight years, or at least to buy them from their parents. A traveller quoted by Ploss was witness to actual intercourse in one such case, while in every camp little girls were to all appearance thus used.[4]

Thus without prolonging the list it would appear that sexual intercourse before puberty is either fully recognised by a formal marriage or tolerated as the gratification of a natural instinct among a great variety of peoples in all quarters of the world. The acts of coition in such cases would not merely be unproductive of children, they would, as noted by several observers

[1] Mrs. Stevenson, *Rep. Bur. Ethn.* xxiii. 303.
[2] Bartram, 513. [3] von den Steinen, 501.
[4] Ploss, i. 399, citing vaguely Rohde.

cited in the foregoing pages, tend to lessen the reproductive power of the race. Other causes operating in the same direction have also been suggested. Whatever the cause, when the fertility of the race was small —that is to say, when the number of acts of sexual union exceeded by an abnormal and overwhelming proportion the result in child-birth—the connection between cause and effect would long remain unnoticed.

It might be thought that the relation between the menses and the reproductive powers would be speedily traced. So far, however, is this from being the case that it has not even yet been discovered everywhere. The natives on the Tully River in North Queensland attribute menstruation to the breaking and discharge of the liver. "What causes the breakage the women do not know. They maintain however that it has nothing to do with pregnancy, though they admit its non-existence during that physiological period." They declare that they can stop their menses by standing under a particular kind of gum-tree and allowing some of its sticky exudation to fall upon them. This procedure is said to be resorted to in order to enable them to walk about at all times without inconvenience. On the Pennefather River the menses are said to be produced by a kind of curlew operating on the woman.[1] It is needless to remind the reader that the Sandwich Islanders hold the menses, as stated a few pages back, to be the result of sexual intercourse. The horror of blood and especially of menstrual blood is universal in the lower culture. It usually causes women to be severed entirely from the men during the flow: a practice which, to say the least of it, would not

[1] Roth, *N. Queensl. Ethnog. Bull.* v. 22, s. 80.

tend to elucidate the relation between menstruation and conception.

In the long run to be sure the true cause of birth was discovered. But such was the force of tradition that it has nowhere been recognised without the important qualification that though sexual intercourse may now be the ordinary method of fertilisation, it has not always been a condition precedent to child-birth, and other causes are still operative to which the same result is attributable. Even at the present day the Arunta invariably ascribe birth to a totally different cause ;[1] and it is important in this connection as showing their ignorance on the subject to note that they date conception from the time when the woman becomes conscious of pregnancy—that is to say, from quickening. In this respect they resemble the Bahau of Central Borneo, who, according to Nieuwenhuis, have no notion of the real duration of pregnancy, dating its commencement only from the time it first becomes

[1] *Supra*, vol. i. p. 238. Mr. Strehlow has not been able to find confirmation of Messrs. Spencer and Gillen's report that the Arunta hold intercourse to be merely a preparation of the woman for the reception and birth of a spirit-child already formed and inhabiting one of the local totem-centres. It is possible this report is due to a misunderstanding. An objection urged (*J. A. I.* xxxv. 329) to the Arunta theory of birth, that the Arunta would be much astonished if a woman not "prepared" for motherhood by intercourse with men received and gave birth to a spirit-child, is of no weight. They would indeed be astonished, because *every* woman has sexual intercourse. But every woman does not bear in consequence.

Mr. Strehlow, like Mr. Lang, hints that the Arunta are not so innocent as they pretend: so difficult is it for a white man to imagine the ignorance of the savage—a difficulty not confined to the subject under consideration. But the similar (often virtually identical) reports concerning the ignorance of other Australian tribes are strong confirmation of the reports of Arunta ignorance.

visible.[1] The Niol-Niol of Dampier Land in north-western Australia likewise hold birth to be wholly independent of sexual intercourse. A man who has never had intercourse with one of his wives is not surprised, and no suspicion is awakened in his mind, if she give birth to a child. For a child is not begotten by coition. It is engendered by conveyance into the mother's body of a previously existing soul called a *Raia* which has the power of assuming a body in this way: a result only to be effected through the instrumentality of the medicine man.[2]

The North Queenslander about Cape Bedford believes that babies are made in the distant west, where the sun sets, by nature-spirits living in the dense scrub, who enter women either in shape of a curlew, or rather of a spur-winged plover, if a girl, or of a pretty snake, if a boy, and there return to the human form which properly belongs to them and so in due time are born as children. So far from having attained a true solution of the mystery of child-birth are these unsophisticated natives that they believe a child thus conceived to be sent in answer to the husband's prayer as a punishment to his wife when he

[1] *Globus*, lxxxvi. 381, citing Nieuwenhuis, *Quer durch Borneo* (Leiden, 1904). The ignorance of the Bahau extends to other details of the mechanism of conception. On the other hand so little is pregnancy understood that among various peoples it is believed to be often of what we know to be unnatural length. Thus the Mohammedan law, as we have seen, recognises the possibility of a very extended gestation (*supra*, vol. i. p. 321). The Hos of Togoland affirm that pregnancy in many cases extends for fourteen fifteen or even sixteen months (Spieth, 198).

[2] Father Jos. Bischofs, *Anthropos*, iii. 35. The beliefs of other natives of Western Australia to the same effect have already been discussed, *supra*, vol. i. p. 243.

is vexed with her. When at night they hear a plover crying out they will say: "Hallo! there's a baby somewhere about." If a woman out hunting see a snake of the species referred to she will run away; her companions will search for the creature—possibly she herself may join them—and if it cannot be found they know that it has reached its destination and the future mother is pregnant. The Pennefather blacks hold that babies are fashioned out of swamp-mud by a supernatural being called Anjea and secretly inserted in the women, who are unconscious of the fact at the time. Thunder, who in the beginning formed Anjea himself, also continues his procreative work in the same manner and from the same material as the latter; but there is this difference between his workmanship and Anjea's that the babies he makes are all left-handed whereas those which owe their origin to Anjea are right-handed. On the Proserpine River a supernatural being named Kunya forms the babies out of pandanus roots and inserts them into the women while they bathe.[1] He obtains the vital spirit from the afterbirth of the child's reputed human father if the child be a boy, or if a girl from that of the reputed father's sister, the hiding-place of which he knows.[2] At Cape Grafton a species of pigeon brings the baby ready made to the mother in the course of a dream.[3] We have in a previous chapter considered the beliefs of the Tully River blacks which are equally wide of the truth.[4] In north-west-central Queensland so

[1] Roth, *N. Queensl. Ethnog. Bull.* v. 23, ss. 82, 83.

[2] *Id.* 18, s. 69a. [3] *Id.* 22, s. 81.

[4] *Supra*, vol. i. pp. 52, 119. They are aware, however, that the ordinary means of generation apply to the lower animals; that it is

profound is the ignorance of the physiological laws of reproduction that even the possibility of taking artificial measures to prevent fertilisation is apparently beyond the native's comprehension. White managers of pastoral stations declare that only with great difficulty, if at all, could the blacks in their employ be made to understand the object of spaying cattle.[1]

Nor are these the only Australian tribes which ascribe their little ones to the direct mechanical intervention of supernatural beings. At the other extremity of Queensland, just across the southern border in New South Wales, the Euahlayi hold that babies, perhaps baby-spirits (for this is what they are called by the lady from whom our information is derived), are manufactured at special centres. Somewhere on the Culgoa River baby-girls are made. Bahloo the moon is their author, assisted by Wahn the crow. Sometimes however Wahn presumes to make them on his own account, with the dire result that the babies he makes always prove noisy and quarrelsome women. There is in one of the creeks a hole which is only to be seen when the river-bed is dry. As the

different with human beings is a mark of their superiority (Roth, *Bull.* v. s. 81). A similar opinion seems to be held by some of the Arunta (Strehlow, ii. 52).

[1] Roth, *Ethnol. Studies*, 179, s. 320. They understood abortion, which is quite a different thing. Attention may perhaps be drawn in this connection to the general ignorance in the lower culture on a kindred subject. It might be supposed that the cause of venereal disease would be fairly obvious. Yet it is very commonly ascribed, like many other diseases, to witchcraft. Of many peoples is probably true what a well-informed observer in the latter part of the eighteenth century asserts emphatically of the natives of Sierra Leone, among whom venereal disease was frequent, that they cannot be "convinced that it proceeds from impure coition" (Matthews, 136).

water runs along the bed and fills this hole a stone gradually rises with it from the hole, keeping its top clear. It is Goomarh, the spirit-stone of Bahloo, which no mortal would dare to touch; for from this stone the baby-girls are launched upon their mission of incarnation. The wood-lizard Boomayahmayahmul is the principal artificer of boy-babies, assisted from time to time by Bahloo. The babies, boy and girls, when thus made are usually despatched to another being who rejoices in the name of Waddahgudjaelwon. She in turn sends them to hang on *coolabah* (eucalyptus?) trees until some woman passes under them, when they immediately pounce on her and enter her womb. Sometimes two drop from the same branch and enter the same woman: then she bears twins. Every child born in this way has a coolabah leaf in its mouth at birth; and one of the attendant women proceeds to remove it. The whirlwind-spirit Wurrawilberoo, who seems to have his normal residence in two dark spots in the constellation Scorpio, sometimes snatches up a baby-spirit and whirls it along to a woman against whom he has a grudge. Now and then he seizes two and gives her twins. Bahloo has also a spiteful way of punishing a woman for having the temerity to stare at him by sending her twins. A child who dies young is born again. If this were all, the theory of the Euahlayi would hardly differ from that of the Arunta or the blackfellows of Northern Queensland. But it seems that they do regard a human father as usual and regular; for only those children who are born with teeth are definitely said to be born without sexual intercourse; and such babes are put to death. What part the

human father exactly plays we are not told. His power would be naught without the assistance of the makers and distributors of babies whose complicated proceedings have been described. On the whole it looks as if these proceedings embody the earlier guesses of the people at the mystery of birth, through which they are dimly beginning to perceive the real concatenation of cause and effect.[1]

Of no other people than the Australian blackfellows have we such definite evidence that reproduction is held to be independent of coition. The wonder is, after making all allowance for the slow progress of knowledge, that any tribe can yet be found ignorant that the cause of birth is the union of the sexes. Elsewhere however traces of this ignorance have been found. It is questionable whether the Seri of the Californian Gulf have any clear recognition of paternity.[2] On the Slave Coast of West Africa, "the Awunas, an eastern Ewhe tribe, say that the lower jaw is the only part of the body which a child derives from its mother, all the rest being derived from the ancestral *luwhoo* (the Tshi *Kra*). The father furnishes nothing."[3] Their kinsmen the Hos of Togoland go further. Though on a higher step of civilisation than the Queenslanders they attribute as little of the child as the latter even to the mother. It is their belief

[1] Parker, *Euahlayi*, 50, 51, 52, 61, 98.

[2] McGee, *Rep. Bur. Ethnol.* xvii. 272*. Dr. McGee bases his opinion, to some extent at any rate, on philological grounds. Whether he has any direct evidence I do not know. The extreme rudeness of the Seri and the overwhelmingly preponderant position of women in their social organisation lend strong colour to the supposition of their ignorance (*supra*, p. 78).

[3] Ellis, *Yoruba*, 131 note.

that God makes babies out of the under-jaws of deceased members of the same family, supplying the muscles and other fleshy parts from potter's clay, which he kneads to the right shape, and then secretly inserts them thus made in the tiniest possible human form into the womb.[1] The Indians on the Amazon River do indeed recognise paternity as a present phenomenon, but they account for the various objects of the universe by motherhood alone: the sun is the mother of the living beings and the moon of vegetables unassisted by any masculine power.[2] Thus while they have come to recognise the common course of nature to-day they still hesitate to attribute the same conditions to the sacred objects of their faith. The notion of paternity is absent from the Toda word for *father*:[3] hence the father obtained for the expected child by means of the bow-and-arrow ceremony is not a begetter but merely a man who undertakes certain duties with regard to mother and offspring, and as often as not is not the real parent. Indeed, while the word for *mother* in

[1] Spieth, 558. It seems to be for this reason that the under-jaws of fallen foes adorn their sacred ivory trumpets and drums as trophies of victory, for in this way it may be suggested they would be kept out of reach of the procreating divinity (H. Klose, *Globus*, lxxxix. 12). Among the Guans, another branch of the Ewhe, the god appears not to restrict himself to under-jaws of the same family in fabricating new human human beings (*cf. supra*, vol. i. p. 246, where the word *goddess* is an error for *god*). The under-jaw of a dead king of the Baganda used always to be cut off at burial and preserved in a wooden dish (Cunningham, 226). This is comprehensible if the jaw were deemed necessary for the continuation of his posterity.

[2] Nery, 250. In the same way a hero of the Narrinyeri is declared to have no father, only a mother (Taplin, *Narrinyeri*, 43). He is now a star.

[3] Rivers, *Todas*, 517 note.

most if not all languages means producer, procreatrix, it is probable that in very many the word for *father* means in its origin no more than elder man,[1] or provider, and is quite unconnected with the notion of begetting. But philological considerations cannot here be discussed. Enough has been said to prove that the physiological process of conception is not recognised even yet by various Australian tribes, and to render it doubtful how far the relation of father and child is understood by peoples in other parts of the world.

The argument which I have endeavoured to put before the reader may now be recapitulated.

We set out to investigate stories found in every part of the world attributing the birth of a hero to supernatural impregnation of his mother. These narratives are not merely ebullitions of the fancy, tales told for the pleasure of telling. Many of them are soberly credited by nations in various stages of civilisation. They frequently form part of the sacred store of religious tradition, and the main incident has been taken up into Christianity. Turning to practical superstitions we found means for producing children, analogous and even identical with those described in the stories, actually in use as widely as the stories themselves. We found, moreover, a number of precautions against such impregnation, as well as similar beliefs with regard to the impregnation of certain of the lower animals.

Among the stories many either explicitly or implicitly identify the hero thus supernaturally born as a new birth of a dead man or some other animal. The

[1] As among the Yakut (Sumner, *J. A. I.* xxxi. 92; *cf.* 80).

next step of investigation therefore was to inquire into the range and meaning of stories in which the hero passes through series of transformations by means of death and a fresh birth. These tales, like the others previously examined, were found to be practically universal in their distribution, and in a very large number of cases seriously believed. They were inseparably connected too with widely extended beliefs, often compendiously but not quite accurately designated the Belief in Transmigration of Souls and the Belief in Reincarnation. Both in the tales and in the creeds (if creeds they may be called) it was by no means uncommon to find that the new birth took place independently of procreation by the union of the sexes, and in no few instances by the mere volition of the personage thus to be born again.

These stories and beliefs amount together to a great body of traditional philosophy, confined not to one race or country but common to mankind. To all appearance this philosophy must be based on ignorance of the physiological law of reproduction. Ignorance so profound however seems to us incredible. We therefore proceeded to examine social institutions in order to ascertain whether they gave any countenance to the hypothesis. It was not necessary to inquire how kinship first came to be recognised. Whatever the history of its recognition kinship can only be reckoned in one of three ways. It may be reckoned through the father only, through the mother only, or through both parents. In all the higher civilisations kinship is reckoned through both parents, but where the earlier stages of culture have not been passed kinship is usually reckoned only through one.

Anthropological research has abundantly demonstrated that among the lowest races kinship is with some exceptions reckoned exclusively through the mother, and where it is reckoned exclusively through the father there are generally indications of a previous stage in which it was reckoned through the mother ; whereas the contrary case of kinship reckoned through the mother with traces of a previous reckoning through the father is not known to exist. We are accordingly justified in postulating the reckoning of kinship through the mother (called motherright) as the earlier. In strict motherright the father is not considered as belonging to the kin of the children, the headship of the family is vested in the mother's brothers or maternal uncles, the father does not transmit his name or property to his children ; on the other hand, he is often placed by the operation of the blood-feud in an antagonistic position towards them.

We examined the theory which accounts for motherright as founded on the uncertainty of paternity and rejected it on the ground that while motherright prevails not only where paternity is uncertain but also where it is practically certain, the opposite organisation of fatherright is founded on no guarantee of certainty. On the contrary, licence is often as great in fatherright as in motherright and the legal father may be perfectly well known not to have begotten the children. Without pretending to trace exhaustively the history of the transition from motherright to fatherright, we considered some of its stages and came to the conclusion that whereas motherright was founded on the recognition of a common blood, fatherright was traceable to social and economic causes of a different

character, that no assertion of a common blood was implied in fatherright, but that it was an artificial organisation formed upon the analogy of the organisation of motherright which it supplanted.

Even where kinship is reckoned through the father then, as well as where it is reckoned through the mother, the question of actual paternity is little regarded. Children have their own value apart from the question whether they belong in blood to the stock, provided they can legally be counted to it. That value often increases rather than diminishes with the rise of fatherright. The necessity of having issue to carry on the property and the religious duties of the family is supreme. It is no objection to a child's sonship that he has none of his legal father's blood in his veins; he is legally his son and has the legal rights of a son all the same, and even though the father may be quite conscious that he had no share in begetting him. The child's sufficient title is to have been born of the father's legal wife.

But though economic and religious needs may thus foster indifference on the subject of paternity, this carelessness could hardly have arisen—at all events it could not be so widely prevalent—if the relation of a father had been as well understood as the relation of a mother to the offspring. The same ignorance which appears to be involved in the stories of supernatural birth and the practices correlative therewith, the same ignorance which is exhibited in the stories of metamorphosis by death and new birth and in the belief in metempsychosis and reincarnation, is thus stamped upon the social organisation of the lower culture. Nor does the transition from motherright to father-

right of necessity imply any change in this respect. So far diffused is the evidence of ignorance that such ignorance must have been universal; so deeply rooted is it that it must have prevailed through many ages. The question of paternity is not one that would have early engaged the attention of mankind. It needed close and persistent observation; it would have been obscured by subjects more immediately urgent; and if savage society still preserve the main lines of primitive institutions the sexual customs of that archaic period must have involved it in such complexity as would have been almost impossible to unravel. Nor even yet have various tribes, especially in Australia, succeeded in penetrating the mystery. It is true that most of the races of mankind have in course of time attained a rough and elementary knowledge of the laws of reproduction. But the consequences in the traditions—whether stories beliefs institutions or practices—of mankind of the long reign of ignorance have not disappeared, and it is probable that some of them are destined to last as long as the human race. Sexual morality may be improved, husbands may no longer recognise children whom they are conscious they have not begotten, kinships may come to be everywhere formally reckoned through both parents, the efforts of women to obtain children by magical means may cease, child-birth from other than natural causes may be scornfully repudiated as a contemporaneous possibility. But conservative prejudice religious awe the delight in miracle for its own sake the laziness of mind which prefers to believe what somebody else has affirmed and will not take the trouble to examine the evidence are more tenacious

of their existence than the lowest physical organisms. They will long continue to accept as actual historical events some tales of the supernatural birth of extraordinary personages in the far and misty past, or to insist that after all there may be "something in" the theory of reincarnation invented to solve the moral and material problems of the universe at a period when imagination ruthlessly overtopped reason and knowledge was limited indeed. And when even these relics of primeval ignorance and archaic speculation shall have been gathered to the limbo of vain and discarded opinions the stories enshrined in literature, adorned by genius and entwined with the dearest and most generous affections of the individual and the race will survive, imperishable until humanity itself shall pass away.

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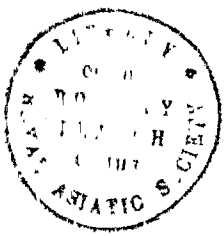

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